

# The Gazette of India



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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 5th June 1958 :—

Issue No.	No. and date	Issued by	Subject
95	S.O. 1016, dated the 29th May 1958.	Ministry of Law	Declaration containing the name of the candidate elected to the House of the People from the 366 Cooch Behar constituency.
96	S.O. 1017, dated the 31st May 1958.	Ministry of Information and Broadcasting.	Certification of films to be of the description specified therein.
97	S.O. 1018, dated the 1st June 1958.	Ministry of Commerce and Industry.	Fixation of the price of tea for the purpose of the Item 5 in the Second Schedule to the Indian Tariff Act, 1934.
98	S.O. 1066, dated the 2nd June 1958.	Election Commission, India.	Appointment of a member of the Election Tribunal constituted for the trial of petition against the election of Shri Achint Ram as a member of the House of the People.
99	S.O. 1067, dated the 5th June 1958.	Ministry of Finance	The Refinance Corporation for Industry Private Ltd. is notified as financial institution for the purposes of clause (8A) of Sec. 17 of the Reserve Bank of India Act, 1934.
	S.O. 1068, dated the 5th June 1958.	Ditto	The Refinance Corporation for Industry Private Ltd. is notified as financial institution for the purposes of the clause (xix) of Sec. 33 of the State Bank of India Act, 1955.

Issue No.	No. and date	Issued by	Subject
	S.O. 1069, dated the 5th June 1958.	Ministry of Finance	Non-applicability of certain provisions of the Banking Companies Act, 1949 to the State Bank of India and Scheduled Banks.
	S.O. 1070, dated the 5th June 1958.	Ditto	Non-applicability of certain provisions of the Banking Companies Act, 1949 to the State Bank of India and Scheduled Banks.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3—Sub-section (ii)

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

#### ELECTION COMMISSION, INDIA

*New Delhi, the 3rd June 1958*

**S.O. 1073.**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. MP-P/182/57(208) dated the 24th March, 1958, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Ratnakar Jha, Motipara, Ward No. 16, Durg.

[No. MP-P/182/57(208-R)/7828.]

*New Delhi, the 5th June 1958*

**S.O. 1074.**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. MP-P/189/57(85), dated the 29th August, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Randaman Singh, Village & Post Gijwar, Distt: Sidhi, Madhya Pradesh.

[No. MP-P/189/57(85-R)/8028.]

By Order,

A. S. NADKARNI, Under Secy.

#### MINISTRY OF HOME AFFAIRS

*New Delhi, the 5th June 1958*

**S.O. 1075.**—In pursuance of clause (1) of article 258 of the Constitution, the President, with the consent of the Government of Uttar Pradesh, entrusts to that

Government functions in relation to any matter specified in sub-clauses (c) and (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (19 of 1923).

[No. 21/27/58-Poll(I).]

N. SAHGAL, Joint Secy.

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### MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 7th June 1958*

**S.O. 1076.**—In exercise of the powers conferred by section 2 (a) of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of External Affairs, No. S.R.O. 182 dated the 11th January 1958, namely:—

In the said notification, for the words “and until further orders”, the following shall be substituted, namely:—

“upto the 22nd December 1957”.

[No. F.12(11)Cons./57.]

**S.O. 1077.**—In exercise of the powers conferred by clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri M. M. K. Anand, Registrar, Indian Commission, Nairobi, to perform the duties of a Consular Agent with immediate effect and until further orders.

[No. I.B.D.779-Cons./58.]

S. N. SHEOPORI, Under Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

*New Delhi, the 4th June 1958*

**S. O. 1078.**—Statement of the Affairs of the Reserve Bank of India, as on 31st May 1958

**BANKING DEPARTMENT**

LIABILITY	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	27,87,39,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	10,98,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	20,00,00,000	Subsidiary Coin . . . . .	2,32,000
National Agricultural Credit (Stabilisation) Fund . . . . .	2,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government . . . . .	59,11,87,000	(c) Government Treasury Bills . . . . .	69,30,000
(2) Other Governments . . . . .	19,97,98,000	Balances held abroad* . . . . .	32,74,71,000
(b) Banks . . . . .	77,80,13,000	**Loans and Advances to Governments . . . . .	54,07,03,000
(c) Others . . . . .	113,24,98,000	Other Loans and Advances† . . . . .	56,78,88,000
Bills Payable . . . . .	16,77,86,000	Investments . . . . .	2,50,36,83,000
Other Liabilities . . . . .	42,77,19,000	Other Assets . . . . .	14,02,57,000
<b>TOTAL</b> . . . . .	<b>4,36,70,01,000</b>	<b>TOTAL</b> . . . . .	<b>4,36,70,01,000</b>

\*Includes Cash & Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances, includes Rs. 14, 35,00,000/- advanced to scheduled banks usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 4th day of June 1958.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 30th day of May 1958.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . . .	27,87,39,000		A. Gold Coin and Bullion—		
Notes in circulation . . . . .	1587,78,25,000		(a) Held in India . . . . .	117,76,03,000	
Total Notes Issued . . . . .		1615,65,64,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	209,67,56,000	
			TOTAL OF A . . . . .		327,43,59,000
			B. Rupee Coin . . . . .		130,59,77,000
			Government of India Rupee Securities . . . . .		1157,62,28,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
Total—LIABILITIES . . . . .		1615,65,64,000	TOTAL—ASSETS . . . . .		1615,65,64,000

Dated the 4th day of June 1958.

K. G. AMBEGAOKAR,  
Deputy Governor.

[No. F-3(2)-F. 1/58.]  
A. BAKSI, Jt. Secy.

**COLLECTORATE OF CENTRAL EXCISE, CALCUTTA***Calcutta, the 13th May 1958*

**S.O. 1079.**—In exercise of the powers conferred on me under clause (a) of Section 2 of the Indian Coconut Committee Act, 1944 (Act No. X of 1944), I hereby authorise all Central Excise Officers not below the rank of Supervisors of Central Excise, to perform within their respective jurisdictions in the States of West Bengal and Orissa, the duties of Collector under the provisions of the said Act and the Rules made thereunder.

[No. 8/1958.]

S. C. MATHUR, Collector.

*Calcutta, the 17th May 1958*

**S.O. 1080.**—Amendment to the Notification No. 12/1957, dated 21st August, 1957 issued on 30th April 1958 is hereby cancelled. Order issued earlier under item (1) of the said notification is re-instated.

[No. 9/1958.]

N. MOOKHERJEE,

for Collector.

**CENTRAL EXCISE COLLECTORATE, ALLAHABAD***Allahabad, the 27th May 1958*

**S.O. 1081.**—Delete the words "laid down in Para. 38 of T.E.M." occurring in the end of Notification No. 1/58 and substitute the words "prescribed in the Departmental Manuals".

[Amendment No. 61-58 to Notification No. 1-58.]

*Allahabad, the 29th May 1958*

**S.O. 1082.**—In partial modification of this office Notification No. 3 of 1958, I hereby empower all Central Excise Officers not below the rank of Supervisors and the Sepoys posted to Factories producing manufactured excisable products only, to exercise within their respective jurisdictions the powers under rule 200 of the Central Excise Rules, 1944.

[Amendment No. 62-58 to Notification No. 3-58.]

N. L. MEHTA, Collector.

**OFFICE OF THE DY. COLLECTOR OF CENTRAL EXCISE AND LAND CUSTOMS, BOMBAY****NOTICE***Bombay, the 31st May 1958*

**S.O. 1083.**—Whereas it appears that the marginally noted unclaimed goods

	Description	Quantity		
		M.	S.	
1.	19 packages of betelnuts.	12	18	which were seized in the jurisdiction of Ch. No. 42 in Sasoli Range on 26-2-1958 were imported by land from Goa (Portuguese territory in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries Import Trade Control Order No. 17/56 dated 7-12-55 issued under the Import and Export (Control) Act, 1947 and deemed to
2.	Coconut oil bottles.	3	..	

have been issued under Section 19 of the Sea Customs Act, 1878. Now therefore any person claiming the goods is hereby called upon to show cause to the Deputy Collector of Central Excise and Land Customs Bombay why the above mentioned goods should not be confiscated under Section 5(3) of the Land

Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10(71)Cus/58.].

H. C. BAHRI, Dy. Col.

### OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BOMBAY NOTICE

*Bombay, the 3rd June 1958*

**S.O. 1084.**—Whereas it appears that the marginally noted unclaimed goods which were seized at Gokarn (Bijjur Shore) on

Description	Quantity	
	M.	S.
23 bags of betelnuts.	23	7

7th December 1957 by S.R.P. Staff, were imported by sea from Goa (Portuguese territory in India) in contravention of the Government of India, Ministry of Commerce and Industries Import Trade Control Order No. 17/55, dated 7th

December 1955 issued under the Import and Export (Control) Act, 1947 and deemed to have been issued under the Section 19 of the Sea Customs Act, 1878. Now therefore, any person claiming the goods is hereby called upon to show cause to the Collector of Central Excise and Customs Bombay why the above mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act, 1878.

If such an owner fails to turn up to claim the above mentioned goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(a)10(7)Cus/58.]

T. C. SETH, Collector.

### CENTRAL BOARD OF REVENUE

#### INCOME-TAX

*New Delhi, the 5th June 1958*

**S.O. 1085.**—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35-IT, dated the 22nd April, 1958:—

In the said Schedule under the subhead "IX—Madhya Pradesh and the Districts of Nagpur and Bhandara against:—

#### (a) Indore

After the existing entry "9. F-Ward, Indore," the following shall be added, namely:—

10. G-Ward, Indore.
11. H-Ward, Indore.
12. J-Ward, Indore.

#### (b) Nagpur

After the existing entry "18B-Ward, Raipur" the following shall be added, namely:—

19. C-Ward, Raipur.

(c) *Jabalpur*

After the existing entry "7. Bhopal" the following shall be added, namely:—

8. C-Ward, Jabalpur.

*Explanatory note*

NOTE.—The amendments have become necessary due to the creation of new Income-tax Circles in the Charge of Commissioner of Income-tax Madhya Pradesh and the Districts of Nagpur & Bhandara.

(This does not form a part of the amendments but is intended to be merely clarificatory).

[No. 57.]

*New Delhi, the 9th June 1958*

**S.O. 1086.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri Raj Singh a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the following income-tax Circles, Wards and Districts, namely:—

1. Rajkot Circle.
2. Special Survey Circle II, Rajkot.
3. Bhavanagar Circle.
4. Jamnagar Circle.
5. Surendranagar Circle.
6. Junagadh Circle.
7. Amreli Circle.
8. Morvi Circle.
9. Porbandar Circle.
10. Bhuj Circle.
11. Nasik Circle.
12. Jalgaon Circle.
13. Dhulia Circle.
14. Surat Circle.
15. Navsari Circle.
16. Broach Circle.
17. Nadiad Circle.
18. Godhra Circle.
19. Baroda Circle.
20. Special Circle, Baroda.
21. Petlad Circle.
22. Mehsana Circle.
23. Patan Circle.
24. Circle, I, Ahmedabad.
25. Circle, II, Ahmedabad.
26. Circle, III, Ahmedabad.
27. Special Circle, Ahmedabad.
28. Special Circle I, Ahmedabad.
29. Special Circle, II, Ahmedabad.
30. Special Survey Circle I, Ahmedabad.
31. Special Investigation Branch, Ahmedabad.
32. Kadi Circle.
33. Palanpur Circle.
34. E.D. Cum I.T. Circle, Ahmedabad.
35. E.D. cum I.T. Circle, Baroda.
36. E.D. cum I.T. Circle, Surat.
37. E.D. cum I.T. Circle, Rajkot.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri Raj Singh shall be designated as the Commissioner of Income-tax Bombay North with head-quarters at Ahmedabad.

This notification shall be deemed to have taken effect from the 2nd June, 1958 (forenoon).

*Explanatory Note*

(This does not form a part of the notification but is intended to be merely bent of the post of the Commissioner of Income-tax.

This does not form a part of the notification but is intended to be merely clarificatory.).

[No. 59 (F. No. 55/23/58-IT.)]

B. V. MUNDKUR, Under Secy.

**ESTATE DUTY**

*New Delhi, the 7th June 1958*

**S.O. 1087.**—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the State Duty Act, 1953 (34 of 1953), the Central Board of Revenue hereby makes the following amendment in its Notification No. 36 F. No. 21/4/56-ED, dated the 25th June, 1956, (S.R.O. 1544 published in Part II, Section 3 of the Gazette of India dated the 7th July 1956), namely:—

In paragraph 1, after item (3), the following item shall be inserted, namely:—

“(4) Siliguri.”

2. The notification shall have effect from 2nd May 1958.

*Explanatory Note*

(This note is not part of the notification but is intended to be merely clarificatory).

The amendment has been necessary as a result of creation of a new Income-tax Circle known as 'Income-tax Circle, Siliguri', under the jurisdiction of the Inspecting Assistant Commissioner of Income-tax Range V.

[No. 42/F.21/51/58-ED.]

P. K. GHOSH, Under Secy.

**MINISTRY OF COMMERCE AND INDUSTRY**

**TRADE MARKS**

*New Delhi, the 4th June 1958*

**S.O. 1088.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the methods of recruitment to Class IV posts in the Patent Office, Calcutta, namely:—

1. **Short title.**—These rules may be called the Patent Office Class IV Recruitment Rules 1958.

2. **Method of recruitment.**—Recruitment to Class IV posts in the Patent Office shall be in accordance with the provisions of the Schedule annexed hereto.

SCHEDULE  
GOVERNMENT OF INDIA THE PATENT OFFICE CALCUTTA.

*Recruitment Rules for Class IV Posts*

Sl. No.	Name of post	Scale of pay	Whether a selection or a non-selection posts	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for direct recruits will apply in case of recruitment by promotion/transfer	Method of recruitment (i.e. whether) by direct recruitment by promotion or by transfer & percentage of vacancies to be filled by various modes	In case vacancies filled by promotion transfer grades sources from which promotion/transfers are to be made.	Composition of D.P.C. for direct recruitment promotion & transfer	Remarks
I	2	3	4	5	6	7	8	9	10	11
1	Record Keeper	Rs. 40—1—60	Selection post.	No direct recruitment	..	..	By promotion	Appointment to this post should be made by promotion on a selection basis from amongst the Duffries on the recommendation of the D.P.C. of the office.	1. Dy. Controller of Patents & Designs. 2. Examiner of patents-in-charge. 3. Administrative Officer.	The upper age limit prescribed for direct recruitment will be relaxable in case of S.C./S.T and displaced persons in accordance with the orders issued by the Government of India Ministry of Home Affairs from time to
2	Duffry	35—1—50	Non-selection post.	Do.	..	..	By transfer if a suitable candidate is available otherwise by promotion	Appointment to this post should be made by transfer from the grade of Jamadar if a suitable candidate is available otherwise by promotion from amongst the Peons on the recommendation of the D.P.C. of the office.	Do.	

3	Jamadar	. 35—1—50	Non-Selection post.	Do.	..	..	By promotion	Appointment to this post should be made by promotion from amongst the peons of the recommendations of the D.P.C. of the office.	Do.	time.
4	Peon	. 30—1—35	..	25 years	Middle school Standard	Only educational qualifications prescribed for direct recruits will apply in case of transfer	By transfer if a suitable candidate is available. Otherwise by direct recruitment.	Appointment to this post should be made by transfer from the grades of the Farash or Durwan is suitable candidate is available; otherwise by direct recruitment through local Employment Exchange on the recommendation of the D.P.C. of the office.	Do.	
5	Farash	. 30—1—35	..	25 years	..	No.	Do.	Appointment to this post should be made by transfer from the grade of Durwan if a suitable candidate is available otherwise by direct recruitment through local Employment Exchange on the recommendation of the D.P.C. of this office.	1. Dy. Controller of Patents & Designs. 2. Examiner of Patents in Charge. 3. Administrative Officer.	
6	Durwan	. 30—1—35	..	25 years	..	..	By direct recruitment through local Employment Exchange on the recommendation of the D.P.C. of the office.			
7	Mali	. 30—1—35	..	25 years	..	..	Do.	..	Do.	
8	Sweeper	. 30—1—35	..	25 years	..	..	Do.	..	Do.	

New Delhi, the 7th June 1958

**S. O. 1089.**—The following statement of accounts of the Rubber Board for the period 1st April 1956 to 31st, March, 1957, is published in the Gazette of India in accordance with Rule 35(4) of the Rubber Rules, 1955.

## RUBBER BOARD

*Abstract statement of Receipts and Payments for the period 1st April, 1956 to 31st March, 1957.*

RECEIPTS							PAYMENTS													
Rs. As. ps.							Rs. As. Ps.							Rs. As. ps. Rs. As. Ps.						
To	Balance on 1-4-1956						By Administration :—													
	With State Bank of India, Cochin :—						Pay of Officers . . . . .	28,247	2	8										
	On Fixed Deposit Account . . . . .	1,02,536	10	0			Pay of Estts. . . . .	42,808	11	1										
							Allowances, Honoraria, etc.	48,126	12	9										
	On Current Account	3,35,538	3	2			Other charges . . . . .	56,290	4	9	1,75,472	15	3							
	With Central Bank of India Ltd., Kottayam						Research :—													
	on Current A/c . . . . .	16,668	3	9			Pay of Officers . . . . .	37,930	14	3										
	Cash on hand . . . . .	12	1	10			Pay of Establishment . . . . .	2,125	11	0										
	Stamps on hand . . . . .	137	10	7			Allowance, Honoraria, etc.	13,544	5	4										
							Other charges . . . . .	65,967	12	10	1,19,568	11	5							
		<u>4,54,892</u>	<u>13</u>	<u>4</u>			Development :—													
	General Fund . . . . .				76,591	9	1	Pay of Officers . . . . .	5,400	0	0									
	Excise duty (1-8-55 to 31-3-56) . . . . .				3,32,087	7	7	Pay of Establishment . . . . .	20,337	0	7									
							Allowance, Honoraria, etc.	20,473	7	7										
	Excise Duty Suspense (1-8-55 to 31-3-56)				7,356	5	8	Other charges . . . . .	78,985	12	8	1,25,196	4	10	4,20,237	15	6			
	Licence fees & licence fee suspense (from 1-8-55 to 31-3-56) . . . . .				38,857	7	0	Excise Duty remitted to State Treasuries for credit of Central Government							23,68,513	12	1			
					<u>4,54,892</u>	<u>13</u>	<u>4</u>													

Provident Fund A/c Rs. 6,400/- 3% 1970- 75 Govt. of India First Development Loan . . . . .	6,412	10	0	..	..	Excise duty collected by re- venue authorities and remitted to Govt. Treas- uries and remittance by producers direct to State Treasuries . . . . .	..	..	12,040	14	5
Rs. 21,100/- 3% 1986 Govt. of India Loan . . . . .	18,924	8	0	..	..						
Rs. 16,100/- 4% 1963 T.C. Loan . . . . .	16,047	14	0	..	..	Miscellaneous :—					
Rs. 8,400/- 4% Madras Loan 1967 A/c. . . . .	8,379	0	0	..	..	General Provident Fund . . . . .	..	3,000	0	0	
						State Provident Fund . . . . .	..	780	0	0	
						State Insurance . . . . .	..	261	12	0	
						Staff Income tax . . . . .	..	4,215	0	0	
						Sundry receipts refunded . . . . .	..	903	8	0	
						Sundry payments recover- able . . . . .	..	173	3	0	
						Sundry advances recover- able . . . . .	..	209	12	9	9,543 3 4
Govt. of India 3 1/2% Ten Year Treasury Savings Deposit . . . . .	2,500	0	0	..	..	By R.B. Provident Fund					
						Interest and bank-charges paid on the purchase of Govt. Securities . . . . .	504	8	2		
Post Office Savings Bank Kottayam . . . . .	5,031	4	0	..	..	Income tax & surcharge P.F. . . . .	317	2	0	..	..
Amt. with State Bank of India, Cochin Cur- rent Account . . . . .	5,219	7	11	..	62,515 8 5	P.F. Advance . . . . .	2,380	0	0	..	..
Cash on hand . . . . .		12	6		5,17,408 5 9	P. F. Payments . . . . .	464	8	1		
						Sundry receipts refunded . . . . .	15	0	0	3,681 2 3	
										28,14,017 0 6	
To Excise duty received direct in the Board's office & transfers from last year's excise duty Suspense . . . . .	20,57,256	13	4	..	..	By balance on 31st March 1957					
Less —amount transferred from last year's Suspense	7,356	5	8	..	20,49,900 7 8	With State Bank of India, Cochin :—					
						On Fixed Deposit Account . . . . .	88,621	4	0		
						On Current Account . . . . .	18,291	9	0		
						With Central Bank of India Ltd., Kottayam—					
						On Current Account. . . . .	8,940	14	10		



Staff Income tax	4,215	0	6	..	..	Govt. of India 3½% Ten Year Treasury Savings Deposit	2,500	0	0		
Sundry receipts refundable	903	8	0			Post Office Savings Bank, Kottayam.	2,816	6	0		
Sundry Payments recovered	173	3	0			Amt. With State Bank of India, Cochin C/A.	6,674	15	0	..	76,238 8 8
Sundry Advances recovered	209	12	9	9,543	4 3					..	
covered				69,115	7 5	Cash on hand	0	6	8	..	30,98,985 7 6
To Rubber Board Provident Fund :—											
Subscription by Members.	7,122	14	6	..	..					..	..
Contribution by Board	4,977	8	0								
Interest on Government Securities	2,972	8	0								
Interest on Post Office Savings Bank Account	42	2	0	..	..					..	..
Amount recovered on loan to staff	1,931	0	0	..	..					..	..
Income tax and surcharge	301	6	0								
Interest on loan to staff	41	12	0								
Sundry receipts refundable	15	0	0	17,404	2 6						
				30,98,985	7 6						30,98,985 7 6

FOR THE RUBBER BOARD

Sd/-

Secretary.

Certified that the foregoing account of receipts and payments were examined in accordance with Section 24 clause (2) of the Rubber (Production and Marketing) Act, 1947 and that subject to the observations a made separately the payments made as shown therein have been expended in pursuance of the purpose of the Act.

(Sd.) T.R. RANGASWAMI,  
Assistant Accounts Officer.

[No. 20(3) Plant (B)/58.]  
H. K. BANSAL, Under Secy.

*New Delhi, the 7th June 1958*

**S.O. 1090.—/IDRA/295/2/58.**—In exercise of the powers conferred by sub-section (1) of section 29B of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby exempts from the operation of Sections 10, 11, 11A, and 13 of the said Act and the rules made thereunder, all industrial undertakings engaged in the manufacture or production of blood meal and meat meal falling under "(2) Organic fertilisers" under the heading "18-Fertilisers" in the First Schedule to the Said Act.

[No. 6(1)/IA/IG/58.]

### ORDER

*New Delhi, the 9th June 1958*

**S.O. 1091.—/IDRA/6/13/Am.(3).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Dr. B. P. Godrej, Chief Director, Messrs. Godrej Soap Private Ltd., P. O. Jacob Circle, Bombay, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 205, dated the 4th March, 1958, for the schedule industries engaged in the manufacture and production of Soaps, Paints and Plastics to be known as the Development Council for Oil-based and Plastics Industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries" after entry No. 16A relating to Shri J. M. Nadkarni, the following entry shall be inserted, namely:—

"16B Dr. B. P. Godrej, Chief Director, M/s. Godrej Soaps Private Ltd., 316, Dellsie Road, P. O. Jacob Circle, Bombay-11."

[No. 5(32)IA(II)(G)/57]

V. V. NENE, Deputy Secy.

### ORDERS

*New Delhi, the 9th June 1958*

**S.O. 1092.—/IDRA/6/1/Am.(1).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, (65 of 1951), the Central Government hereby appoints Shri Gurbaksh Singh Bhasin and Shri Sajjad Hussain A. Haji as members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 966/IDRA/6/1, dated the 22nd May, 1958, for the scheduled industry engaged in the manufacture and production of Bicycles, and directs that the following amendments shall be made in the said Order, namely:—

In paragraph 1 of the said Order, under the category of members "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industry", after entry No. 4 relating to Shri K. N. Sahay, the following entries shall be inserted, namely:—

"4A. Shri Gurbaksh Singh Bhasin, Proprietor, M/s. National Cycle Industries, Ghaziabad, (U.P.).

"4B. Shri Sajjad Hussain A. Haji, M/s. Abbasali Abdeali Haji & Sons, Amaravati Camp. Vidharbha."

[No. 4(2)IA(II)(G)/58]

**S.O. 1093.—/IDRA/6/6/Am.(6).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Development Councils (Procedural) Rules, 1952, the Central

Government hereby appoints Lt. Col. K. K. Mehta to be a member of the Development Council for the scheduled industries engaged in the manufacture and production of telephones, telegraph apparatus and wireless communication apparatus, electric lamps, electric fans, batteries, dry cells and storage, radio receivers and house service meters and panel instruments *vice* Lt. Col. B. M. Chakravarty who has resigned, and makes the following amendment in the order of the Government of India in the Ministry of Commerce & Industry No. S.R.O. 409, dated the 1st February, 1957, namely:—

In paragraph 1 of the said Order under the category of members “being persons who in the opinion of the Central Government are capable of representing the interests of consumers of goods manufactured and produced by the said scheduled industries”, for entry No. 17 relating to Lt. Col. B. M. Chakravarty, the following entry shall be substituted, namely:—

“17. Lt. Col. K. K. Mehta, Chief Inspector, Inspectorate of Electronics Equipment, P.O. Hebbal, *Bangalore*—6.”

[No. 5(25)IA(II)(G)/57.]

S. M. BANERJEE, Under Secy.

## (Indian Standards Institution)

New Delhi, the 3rd June 1958

**S. O. 1094**—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that an amendment to the Indian Standard given in the Schedule hereto annexed has been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

## THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of Amendment	Brief particulars of Amendment	Date of effect of the Amendment
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS : 303-1951 Specification for Commercial (Common) and Moisture-Proof Plywood (Tentative)	S.R.O. 658 dated 26th March 1955.	No. 2 March 1958.	The existing Appendix B has been deleted and substituted by an enlarged one. In the amended Appendix B details of the procedure for preparing test pieces plywood with different number of plies, the manner of carrying out the test and the method of calculating the shearing strength have been given. The test specimens are required to be conditioned to a moisture content between 10 and 14 percent.	16th June 1958.

Copies of this amendment are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

[No. MDC/11(9).]

**S.O.1095**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that 3 licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
1.	CM/L-87 22-5-1958.	2-6-1958	1-6-1959	Bagdogra Plywood Factory, Bagdogra.	Tea-Chest Plywood & Panels	IS : 10-1953 Specification for Plywood Tea-Chests ( <i>Revised</i> ).
2.	CM/L-88 22-5-1958.	2-6-1958	1-6-1959	The Hindustan Electric Co. Ltd., Industrial Area, New Town- ship, Faridabad.	Aluminium Conductors Steel Reinforced and All Aluminium Conductors.	IS : 398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel Cored Aluminium Conductors for Overhead Power Transmission Purposes ( <i>Tentative</i> ).
3.	CM/L-89 22-5-1958.	2-6-1958	1-6-1959	Estrela Batteries Ltd., Plot No. 1, Dharavi, Matunga, Bombay-19	Leclanche Type Dry Cells and Batteries for Flash Lamps.	IS. 203-1950 Specification for Leclanche Type Dry Cells and Batteries for Flash Lamps.

[No. MDC/12(93).]  
LAL C. VERMAN, Director.

**MINISTRY OF STEEL, MINES & FUEL****(Department of Iron and Steel)***New Delhi, the 6th June 1958*

**S.O. 1096.**—ESS. COMM/IRON AND STEEL-2(c)/Am.(18).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the Notification of the Government of India in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, for the existing entry No. 4 against 'BOMBAY', the following entry shall be substituted, namely:—

2	3
"4. Agricultural Iron and Steel Supply officer, Government of Bombay, BOMBAY.	4, 5, 10, 11, 12 (2), 18, 20, 22, 23, 24(b), 24(c) and 24(d)"

[No. SC(A)-4(492)]

G. RAMANATHAN, Dy. Secy.

**MINISTRY OF FOOD & AGRICULTURE****(Department of Agriculture)****(Indian Council of Agricultural Research)***New Delhi, the 21st May 1958*

**S.O. 1097.**—In exercise of the powers conferred by section 18 of the Indian Coconut Committee Act, 1944 (10 of 1944), the Central Government hereby makes the following further amendments in the Indian Central Coconut Committee Provident Fund Rules with effect from the 1st September, 1957, namely:—

In the said rules,—

1. in rule 9, in clause (b) of sub-rule (1), for the words, figures and brackets "not less than 6½% of his emoluments (i.e. one anna in the rupee)", the words and figures "not less than 8½% of his emoluments" shall be substituted;
2. in rule 11, in sub-rule (2) and sub-rule (4), for the figures "1/16" occurring at both the places, the figures "1/12" shall be substituted.

[No. 7-44/58-Com.I.]

MOKAND LALL, Under Secy.

**MINISTRY OF HEALTH***New Delhi, the 2nd June 1958*

**S.O. 1098.**—The following resolution passed by the Executive Committee of the Pharmacy Council of India at its meeting held on the 4th March, 1958 and adopted by the Council, is published, as required by Section 15 of the Pharmacy Act, 1948 (8 of 1948), namely:—

"The Pharmacy Council of India approves under Section 12(1) of the Pharmacy Act, for a period of two years in the first instance, the Diploma in Pharmacy course conducted by the West Bengal State Medical Faculty at the Pharmacy Training Centre, Jalpaiguri. The Council also approves of the Diploma in Pharmacy Examination under Section 12(2) of the Pharmacy Act for the purpose of registration as a Pharmacist".

[No. F.7-49/58-D.]

P. S. RAMACHANDRAN, Secy.

*New Delhi, the 2nd June 1958*

**S.O. 1099.**—The Government of the State of Madhya Pradesh having nominated in exercise of the powers conferred by clause (h) of section 3 of the Pharmacy Act, 1948 (8 of 1948), Dr. B. C. Bose, Principal, Mahatma Gandhi Memorial Medical College, Indore, as a member representing that State in the Pharmacy Council of India, in the place of Dr. K. N. Sinha, Professor of Pharmacology, Christian Medical College, Ludhiana, who is deemed to have vacated his seat under sub-section (3) of Section 7 of the said Act, the Central Government, in pursuance of Section 3 of the said Act, hereby makes the following amendment in the notification of the Government of India in the Ministry of Health, No. F.7-26/53-DS, dated the 16th October, 1954, namely:—

In the said notification, for the entry “32. Dr. K. N. Sinha, M.B., B.S., F.R.F.P.S. (Glas.), Professor of Pharmacology, Medical College, Nagpur”, the following entry “32. Dr. B. C. Bose, Mahatma Gandhi Memorial Medical College, Indore” shall be substituted.

[No. F.7-33/57-D.]

*New Delhi, the 4th June 1958*

**S.O. 1100.**—It is hereby notified that in pursuance of the provisions of clause (viii) of sub-section (2) of section 5 of the Drugs Act, 1940 (23 of 1940), Dr. B. N. Prasad has been elected by the Medical Council of India to be a member of the Drugs Technical Advisory Board.

[No. F.4-1/58-D.]

S. IFTIKHAR HUSSAIN, Dy. Secy.

*New Delhi, the 6th June 1958*

**S.O. 1101.**—In exercise of the powers conferred by sub-section (1) of Section 14 of the Indian Medical Council Act, 1933 (27 of 1933), the Central Government, after consultation with the Medical Council of India, hereby makes the following further amendment in the Second Schedule to the said Act, namely:—

In the said Schedule, after the entries relating to Kerala the following entry shall be inserted:—

“Pondicherry

Medical School,  
Pondicherry.

Medicine de 1  
'Ecole de  
Pondicherry  
(Diploma)”

[No. F.17-14/56-M.I.]

KRISHNA BIHARI, Under Secy.

## MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Communications)

(P. & T.)

*New Delhi, the 9th June 1958*

**S.O. 1102.**—In exercise of the powers conferred by sub-section (2) of Section 16 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendments in the Indian Post Office Rules, 1933, namely:—

In item (tt) of rule 183 of the said Rules, for the word “Saurashtra”, the words “Saurashtra or Bombay” shall be substituted.

[No. CI.24-15/56.]

K. K. SARAN, Dy. Secy.

**MINISTRY OF WORKS, HOUSING AND SUPPLY***New Delhi, the 5th June 1958*

**S.O. 1103.**—Shri K. Rama Varma, Joint Director, National Building Organisation, relinquished charge of his post on the 27th May 1958 (forenoon). His services have been replaced at the disposal of the Central Public Works Department with effect from that date.

[No. F&amp;B.48(19)/58.]

A. P. SAKSENA, Under Secy.

**MINISTRY OF REHABILITATION***New Delhi, the 10th June 1958*

**S.O. 1104.**—In exercise of the powers conferred by section 52 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Rehabilitation No. S.R.O. 1387 dated the 7th June, 1956, namely:—

In the Schedule to the said Notification, after the words 'in India' the following words shall be inserted and shall be deemed always to have been so inserted, namely:—

"or who never migrated to Pakistan but left for other parts in India and subsequently returned to his land or house."

[No. 14(5)/58-Prop.]

S. PRASADA, Dy. Secy.

**(Office of the Chief Settlement Commissioner)***New Delhi, the 2nd June 1958*

**S.O. 1105.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Sohan Lal, as Assistant Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 5/5/Admn(R)/CSC/58.]

*New Delhi, the 3rd June 1958*

**S.O. 1106.**—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri M. T. Chatl, Assistant Settlement Commissioner in the office of the Regional Settlement Commissioner, Bombay, as Custodian Evacuee Property for the States of Bombay, Madras, Mysore and Kerala, for the purpose of discharging the duties assigned to such officer by or under the said Act with effect from the date he took over charge of his office, till further orders.

[No. III(19)PROP(ADMN)/57.]

M. L. PURI, Settlement Commissioner  
(Admn.) & *Ex-officio*, Under Secy.

**MINISTRY OF LABOUR & EMPLOYMENT***New Delhi, the 2nd June 1958*

**S.O. 1107.**—The following draft of an amendment to the Minimum Wages (Central) Rules, 1950, which the Central Government proposes to make in exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (11 of 1948), is published, as required by that section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st July 1958.

*Amendment*

Any objection or suggestion which may be received from any person with respect to the said draft before the date as specified will be considered by the Central Government.

In sub-rule (2) of rule 21 of the said rules, for clause (x), the following clause shall be substituted, namely:—

“(x) deductions for payment to cooperative societies or deductions made with the written authorisation of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956, (31 of 1956).”

[No. LWI-I-3(11)/58.]

BALWANT SINGH, Under Secy.

*New Delhi, the 4th June 1958*

**S.O. 1108.**—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, framed under section 5 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri M. S. Meccai, as Regional Provident Fund Commissioner for the whole of the State of Mysore vice Shri B. M. Rbu Baker. Shri M. S. Meccai shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. PF-I/31(446)/58.]

**S.O. 1109.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment being a factory known as M/S. Griplex (India) Limited, Station Road, Lillooah, Howrah, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of January, 1958.

[No. P.F.II 9(7)58.]

**S.O. 1110.**—In pursuance of clause (d) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952 the Central Government hereby appoints Shri S. M. Narayanan, Member of the Working Committee, Tamilnad Indian National Trade Union Congress, Rokeby, Coonoor, to be a member of the Regional Committee for the State of Madras, in the vacancy caused by the resignation of Shri G. Ramanujam and directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 3381, dated the 2nd November, 1954, namely:—

In the said notification, for the entry “(7) Shri G. Ramanujam, C/o The Indian National Trade Union Congress, 28, Tamil Sangham Road, Madurai”, the following entry shall be substituted, namely:—

“(7) Shri S. M. Narayanan, Member of the Working Committee, Tamilnad Indian National Trade Union Congress, Rokeby, Coonoor”.

[No. P.F.II.45(20)57.]

*New Delhi, the 5th June 1958*

**S.O. 1111.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s Calcutta Industry Works, Gill Road, Ludhiana have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January 1958.

[P.F. II-9 (10)58.]

*New Delhi, the 9th June 1958*

**S.O. 1112.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the Head Office establishment of Messrs. J. B. Thaker, Giripeth, Nagpur have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of November, 1957.

[No. PFI-9(10)/58]

P. D. GAIHA, Under Secy.

*New Delhi, the 5th June 1958*

**S.O. 1113.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India hereby publishes the following awards of the Central Government Industrial Tribunal at Calcutta in the matter of the following applications under section 33A of the said Act from S/Shri Surooj alias Dwarka Bharati, Ram Bilash Yadav, Kishan Bahadur, Sitaram, Gopi Mohan Dey, Nanak Chand and Debidas Lohar of the Calcutta Port Commissioners.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1 Gurusaday Road, Ballygunge, Calcutta-19.

APPLICATION NO. 7 OF 1958:

(u/s 33-A)

Surooj alias Dwarka Bharati, Porter No. 10-48 G.R.J.,

c/o Calcutta Port Shramik Union,

26 Pipe Road, Kidderpore, Calcutta-23. ... Complainant.

**Vs**

Calcutta Port Commissioners,

13 Strand Road, Calcutta-1

... Opposite Party.

In the matter of a complaint under section 33-A of the Industrial Disputes Act, 1947 arising out of Reference No. 1 of 1956.

*Dated, the 27th May, 1958*

**PRESENT:**

Shri A. Das Gupta, Sole Member.

#### **APPEARANCES:**

Shri P. Dutta of Calcutta Port Shramik Union,—for the complainant.

Shri K. B. Bose, Counsel, with Shri N. M. Das Gupta, Advocate,—for the Port Commissioners.

#### **AWARD**

The present application under section 33-A of the Industrial Disputes Act, 1947 has been filed by one Surooj alias Dwarka Bharati, Porter No. 10-48 G.R.J. complaining that during pendency of the main adjudication proceedings, he was wrongfully suspended from pay and duty with effect from 16th January 1957, on a false charge of misdeclaration of his name, without express permission of the Tribunal as contemplated by section 33 of the Industrial Disputes Act, 1947.

2. Section 33 of the Industrial Disputes Act, 1947 as it stood before the recent amendment, prohibited, during the pendency of adjudication proceedings in respect of an industrial dispute alteration of the service conditions of workmen concerned in

such disputes to their prejudice and discharge or punishment by dismissal or otherwise of any workman concerned in such dispute save with the express permission in writing of the Tribunal, and section 33-A provided, that in the event of any such contravention of the provisions of section 33, the aggrieved employee might make a complaint in writing and the Tribunal would adjudicate upon the complaint as if it were a dispute referred to or pending before it in accordance with the provisions of the Act and would submit its award to the appropriate Government. Section 33 has since been amended and under the amended section permission of the Tribunal is necessary in respect of alteration of the service conditions or discharge or punishment of a workman for misconduct only when such service condition or misconduct is connected with the dispute under adjudication, and when such service condition or misconduct is not connected to the dispute under adjudication, the employer is to obtain the approval of the Tribunal for its action instead of any previous permission as was required under the old section.

3. Industrial Tribunal can assume jurisdiction over industrial disputes and adjudicate upon such disputes only on a reference under section 10 of the Act by the appropriate Government. This is the general law. Section 33A both of the old Act and of the amended Act lays down a special law specifying the special circumstances under which an industrial tribunal can assume jurisdiction over an industrial dispute without any reference from the appropriate Government. As section 33-A lays down a special law, it must be strictly interpreted. An aggrieved workman can invoke the provisions of section 33-A of the Industrial Disputes Act only when the pre-requisite conditions are fulfilled. The pre-requisite conditions are:

- (i) in adjudication proceeding in respect of an industrial dispute was pending before the Tribunal;
- (ii) the employer had altered the service conditions of the workmen concerned in the dispute to their prejudice or had discharged or punished by dismissal or otherwise any workmen concerned in the dispute;
- (iii) such acts of the employer took place during the pendency of the adjudication proceedings;
- (iv) the employer did not obtain any previous permission in writing of the Tribunal for such acts.

This was the law which stood prior to the amendment. Under the amended Act, if the employer has not obtained any previous permission for such acts as would come under clauses (a) and (b) of section 33(1) and approval of the Tribunal in respect of acts covered by clauses (a) and (b) of sub-section (2) of the said section, the aggrieved workman or workmen may complain to the industrial tribunal and the industrial tribunal may assume jurisdiction over the complaint.

4. The main adjudication proceedings started admittedly on the 31st July, 1956 and the award was published on the 30th January, 1958.

5. In 1955 the complainant got an appointment as Porter No. 10 in Gang No. 48 C.R.J. representing that he was Surooj son of Gobind Gir who had been for some time a porter in the Gang No. 8 when his number was 9 in the gang. He was appointed on the identification of the Sardar of Gang No. 8 and two porters. Subsequently, one Surooj son of Ram Gobind of village Mathiya, P. S. Maharaj-gang, district Chapra complained to the Port Commissioners by a letter that Dwarka Bharati of village Teswarkamatia, P.O. Bagawara of District Chapra had been working by falsely impersonating himself as Surooj with the assistance of Sardar Ram Bilash Pandey. On receipt of this complaint, the Port Commissioner placed the matter in the hands of the police for investigation. The police held an investigation into the matter and reported that there was no man in the name of Surooj Gir in the village to which the complainant claims to belong and that the complainant's real name was Dwarka Bharati and his father's name was Mukhlal Bharati. On receipt of the police report the Port Commissioners placed the complainant under suspension with effect from 16th January, 1957, and served upon him a charge sheet on 1st February, 1957 by which he was called upon to explain within 7 days from the date of receipt thereof. There was an enquiry and on the report of the enquiring officer the Traffic Manager recommended to the Chairman that the complainant might be dismissed immediately on payment of one month's wages and formal approval of the Industrial Tribunal might be obtained in this regard.

6. Although the main adjudication proceedings were disposed of under the old Act, by the time the offence with which the complainant was charged, the original section 33 and 33-A were amended as already indicated. In February 1958 the

present complainant filed a statement before this Tribunal which purported to be a rejoinder to an application under section 33 of the Industrial Disputes Act but as no application under section 33 could be traced out, the statement was returned to the complainant. It has been urged on behalf of the Port Commissioners that a formal application under section 33 was filed before this Tribunal and a copy was forwarded to the present complainant. The present complainant admittedly received the copy. Nothing has been suggested as to how the application was filed, whether it was sent by post or sent by messenger. The application might have been either misdirected or mislaid or was not filed at all. Even if it were filed, it became infructuous on expiry of 30 days from the date of publication of the award in the main adjudication proceedings. Be whatever that might have been the final order has not as yet been passed by the Port Commissioners. Although the order of suspension has not been placed before me, there is sufficient indication on the record that the suspension was not intended to be a substantive punishment. A thorough enquiry was contemplated from the very beginning and the complainant was placed under suspension only as a precautionary or security measure. It has been authoritatively held by decisions of both the Labour Appellate Tribunal as also of the Hon'ble Supreme Court that suspension pending departmental enquiry did not amount to punishment. Suspension does not terminate the relationship of master and servant between the employer and the employee. In any view of the case, suspension pending departmental enquiry is not hit by section 33 of the old Act or section 33 sub-sections (1) and (2) of the Amended Act. There is going to be an inordinate delay in passing the final order with the result that the complainant has been kept in suspense for an unduly long time. The questions whether the act of the complainant amounted to misconduct meriting deterrent punishment and whether the suspension order was justified may be a subject matter of an industrial adjudication on a reference by the Government, but jurisdiction of an industrial tribunal under section 33-A is limited in its scope. I cannot assume jurisdiction over an act of the employer which does not fall within one or other of the two clauses of section 33 of the old Act or of section 33 clauses (1) and (2) of the Amended Act.

7. In the result, the complaint is dismissed, This is my award.

CALCUTTA:

*The 27th May, 1958*

A. DAS GUPTA, Sole Member,  
Central Government Industrial Tribunal, Calcutta.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1 Gurusaday Road, Ballygunge, Calcutta-19

APPLICATION NO. 6 OF 1958 (U/S 33-A)

1. Ram Bilash Yadav, Coupon Clerk,
2. Kishan Bahadur, Trolleyman,
3. Sitaram, Cook,
4. Gopi Mohan Dey, Cook Mate,
5. Nanak Chand and others all of C.P.C. Workshops' Canteen, c/o C.P.C. Workers Union, 3 Joykrishna Paul Road, Calcutta-23—Complainants.

*Vs.*

Calcutta Port Commissioners, 15 Strand Road, Calcutta-1—*Opposite Party.*

In the matter of a complaint under section 33-A of the Industrial Disputes Act, 1947 arising out of Reference No. 1 of 1956

*Dated, the 28th May, 1958*

PRESENT:

Shri A. Das Gupta, Sole Member.

APPEARANCES:

Shri K. B. Bose, Counsel, with Shri N. M. Das Gupta, Advocate.—*for the Port Commissioners.*

*None—for the complainants.*

### AWARD

The present application under section 33-A of the Industrial Disputes Act has been filed by 5 employees of the Calcutta Port Commissioners' Workshops' Canteen complaining:

- (1) that they had not been made permanent on completion of their probationary period of one year as stipulated in the letter of appointment and have not been made eligible for the benefits of Provident Fund, leave with pay, medical facilities and such other benefits as are available to permanent employees;
- (2) that the medical aid in case of any illness during working hours and the injury leave in case of any accident in course of duty which they had been enjoying was withdrawn with effect from November, 1957;
- (3) that the working hours had been altered with effect from 1-8-1956 with the result that there has been an increase in the total working hours in a day or in a week;
- (4) that additional duties have been imposed on the Coupon Clerk and the Trolleyman with effect from 1-4-1957.

2. The complaint is directed against the Chairman, Calcutta Port Commissioners, who has been made the opposite party. The Port Commissioners oppose the application. Their main contentions are:

- (a) that the Calcutta Port Commissioners are not the employer in respect of the workshop canteen workers;
- (b) that there has been no contravention of section 33 of the Industrial Disputes Act, 1947; and
- (c) that the present application under section 33-A is not maintainable either in law or in facts.

3. Section 33 of the Industrial Disputes Act, 1947 prohibits, during the pendency of adjudication proceedings before an industrial tribunal in respect of any industrial dispute, except with the express permission of the Tribunal:

- (a) alteration of the service conditions applicable to workmen concerned in such dispute immediately before commencement of the adjudication proceedings to their prejudice; and
- (b) discharge or punishment whether by dismissal or otherwise of any workman concerned in the industrial dispute.

4. In the event of contravention of these provisions, the aggrieved workman may move the Tribunal before whom the adjudication proceedings are pending and the Tribunal is to adjudicate upon the complaint as if it were a dispute referred to or pending before it in accordance with the provisions of the Act.

5. Industrial Tribunals can assume jurisdiction over an industrial dispute only when it is referred to it by the appropriate Government under section 10 of the Act. Section 10 of the Industrial Disputes Act, 1947 lays down the general law. Industrial Tribunals have no jurisdiction to entertain any industrial dispute unless it comes for adjudication through the appropriate Government as provided in section 10 of the Act. Section 33-A lays down a special law authorising Industrial Tribunal to entertain industrial disputes, under special circumstances, directly from the employees without the intervention of the appropriate Government and to adjudicate upon it. Industrial Tribunals can assume jurisdiction over a industrial dispute, under section 33-A provided there has been a contravention of section 33 of the Act and provided such contravention took place during the pendency of adjudication proceedings in respect of industrial disputes before them. Section 33-A may be invoked only when these special conditions are fulfilled. Section 33-A purports to lay down a special law and it must be strictly interpreted. Hence we are to enquire as to whether there has been any contravention of section 33 of the Industrial Disputes Act during the pendency of the main adjudication proceedings.

6. On 22nd December 1956 the workers of the Workshop Canteen filed an application under section 33-A of the Industrial Disputes Act complaining among others that they were considered staff of the Canteen Committee and not of the Port Commissioners. This was registered as Application No. 40 of 1957. The award was submitted to the Government on the 4th February, 1958. The petition of complaint was rejected. The applicants Ram Bilash Yadava, Kishan Bahadur,

Sitaram and Gopl Mohan Dey appear to have been signatories to the application which was the basis of the said award. Thus it is clear from the admission of the workers of the Canteen Committee that they were treated as staff of the Canteen Committee and not of the Calcutta Port Commission. These state of things have been continuing at least since 1954.

7. The main adjudication proceedings to which reference has been made started on the 31st July, 1956 and the award was published on the 30th January, 1958. It related to the Calcutta Port Commissioners and their workmen. Now that the present applicants were treated as the staff of the Canteen Committee and not the Calcutta Port Commissioners they were not concerned in the dispute which was the subject matter of the main adjudication. In course of hearing of application No. 40 of 1957 a copy of the Workshop Canteen bye laws was exhibited by the workmen. It is clear from the bye laws that the Canteen Committee have their own funds quite separate and distinct from the funds of the Calcutta Port Commissioners and were the authority who could appoint or dismiss or discharge their staff although such appointments and dismissals or discharges require the approval in writing of the Chief Mechanical Engineer. That such appointments and disciplinary actions against the staff required final approval of the Chief Mechanical Engineer indicated only a control of the Port Commissioners over the Canteen Committee in the same way as the Central Government has control over the Calcutta Port Commissioners. The control of the Central Government over the Calcutta Port Commissioners does not make the staff of the Port Commissioners employees of the Central Government. The bye laws of the Canteen Committee as they have been operating and as they have been understood by the workmen of the Canteen clearly indicate that the present applicants were not concerned in the dispute between the Calcutta Port Commissioners and their workmen. Thus the present applicants have no *locus standi* to file any application under section 33-A of the Industrial Disputes Act. The application must accordingly stand rejected.

8. The application was heard in the absence of the applicants themselves. The applicants were given sufficient opportunity but they did not turn up on the day of hearing.

*Calcutta;*

*The 28th May, 1958.*

A. DAS GUPTA, Sole Member,

Central Government Industrial Tribunal, Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA  
20/1 GURUSADAY ROAD, BALLYGUNGE, CALCUTTA-19

APPLICATION No. 8 of 1958: (u/s 33-A)

Debidas Lohar, Gas Welder, T. No. 104, c/o C.P.C. Workers Union 3 Joykrishna Paul Road, Calcutta-23—*Complainant*.

*Vs.*

Calcutta Port Commissioners, 15 Strand Road, Calcutta-1.—*Opposite Party*.

In the matter of a complaint under section 33-A of the Industrial Disputes Act, 1947 arising out of Reference No. 1 of 1956.

*Dated, the 28th May 1958.*

PRESENT:

Shri A. Das Gupta, Sole Member.

APPEARANCES:

Shri K. B. Bose, Counsel, with Shri N. M. Das Gupta, Advocate—for the Port Commissioners.

None—for the complainant.

#### AWARD

The present application has been filed by one Shri Debidas Lohar, Gas welder, Ticket No. 104, complaining that deduction is being wrongfully made from his salary on account of house rent and that the additional dearness allowance of Rs. 5 which was granted to him with effect from 1st July 1957 and was payable in

February 1958 has been wrongfully deducted by the Administration on the allegation that it was deducted to cover the arrears of rent due from the applicant.

2. The applicant did not turn up at the hearing and the case had to be heard in his absence.

3. The applicant was originally a class IV employee and was in occupation of one of the quarters of the Port Commissioners since 8th March 1943 and the house rent allowance which was otherwise payable to him was deducted against the rent of the Port Commissioners' quarters. He was promoted to the rank of Class III employees with effect from 1st April 1955 and that under the rules of the Port Commissioners, Class III employees are not entitled to any house rent allowance except when they have to pay house rent which exceeds 10 per cent of their pay in which case they are entitled to some monetary assistance according to a prescribed scale to cover the excess over 10 per cent of pay. They are not entitled to free quarters. If they occupy the Port Commissioners' quarters they have to pay the usual rent for the quarters according to a resolution of the Commissioners taken in 1955 (Resolution No. 846 of 1955). Class IV employees promoted to the rank of Class III were permitted to occupy the Class IV quarters for one year without any payment of rent, after which period they were to be charged the usual rent of the quarters they have been occupying.

4. Section 33 of the Industrial Disputes Act, 1947 prohibits, during the pendency of adjudication proceedings before an industrial tribunal in respect of any industrial dispute, except with the express permission of the Tribunal:

(a) alteration of the service conditions applicable to workmen concerned in such dispute immediately before commencement of the adjudication proceedings to their prejudice; and

(b) discharge or punishment whether by dismissal or otherwise of any workman concerned in the industrial dispute.

5. In the event of contravention of these provisions, the aggrieved workmen may move the Tribunal before whom the adjudication proceedings are pending and the Tribunal is to adjudicate upon the complaint as if it were a dispute referred to or pending before it in accordance with the provisions of the Act.

6. Industrial Tribunals can assume jurisdiction over an industrial dispute only when it is referred to it by the appropriate Government under section 10 of the Act. Section 10 of the Industrial Disputes Act, 1947 lays down the general law. Industrial Tribunals have no jurisdiction to entertain any industrial dispute unless it comes for adjudication through the appropriate Government as provided in section 10 of the Act. Section 33-A lays down a special law authorising Industrial Tribunal to entertain industrial disputes, under special circumstances, directly from the employees without the intervention of the appropriate Government and to adjudicate upon it. Industrial Tribunals can assume jurisdiction over an industrial dispute, under section 33-A, provided there has been a contravention of section 33 of the Act and provided such contravention took place during the pendency of adjudication proceedings in respect of industrial disputes before them. Section 33-A may be invoked only when these special conditions are fulfilled. Section 33-A purports to lay down a special law and it must be strictly interpreted. Hence we are to enquire as to whether there has been any contravention of section 33 of the Industrial Disputes Act during the pendency of the main adjudication proceedings.

7. Thus in the present case, the Commissioners appear to have been enforcing the service conditions which had been in force from before the commencement of the main adjudication proceedings which started on the 31st July, 1956. Thus it is clear that there has been no contravention of section 33 of the Industrial Disputes Act, 1947. The petition of complaint accordingly stands rejected.

CALCUTTA

The 28th May, 1958.

A. DAS GUPTA, Sole Member,  
Central Government Industrial Tribunal, Calcutta.

[No. LR-II/31/7/58.]

*New Delhi, the 7th June 1958*

**S.O. 1114.**—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947) and in partial modification of the Government of India, Ministry of Labour and Employment, notification No. S.R.O. 2569 dated the 3rd August 1957 published in the Gazette of India, Part II, Section 3, dated the 10th August, 1957, the Central Government hereby appoints, for the period upto the 2nd August 1958, the officers mentioned in column (2) of the table annexed hereto as conciliation officers for the quarrying industry in the areas specified in the corresponding entry in column (3) of the said table.

S. No.	Designation of officer	Jurisdiction
(1)	(2)	(3)
1.	District Labour Officer, Alleppey.	Alleppey Revenue District in the State of Kerala.
2.	District Labour Officer, Quilon.	Quilon Revenue District in the State of Kerala.
3.	Assistant Commissioner of Labour, Halar, M dhyā Saurashtra, Zalwad, Gohilwad and Rajkot.	Sorath Districts in the State of Bombay.

[No. LR-II-56/6/5/56.]

*New Delhi-2, the 9th June 1958*

**S.O. 1115.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal at Calcutta in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA**  
REFERENCE NO. 5 OF 1957:

**PARTIES:**

The Employers in relation to the Bombay Port Trust, Bombay

*And*

Their workmen.

**PRESENT:**

Shri A Das Gupta: Presiding Officer.

**APPEARANCES:**

*For the Workmen:* Shri S. Maitra, General Secretary,

Shri B. Mukherjee, Secretary, B. P. T. General Workers' Union.

*For the Employers:* Shri S. D. Nariman, Legal Adviser Bombay Port Trust.

**AWARD**

By Notification No. LR-3(6)/57, dated the 24th September, 1957 as amended by notification of even number dated 11th October, 1957, the Government of India, Ministry of Labour & Employment, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (XIV of 1947) constituted an industrial tribunal with me as the Presiding Officer and referred an industrial dispute between the employers in relation to the Bombay Port Trust and their workmen. The items of the industrial dispute as specified in the Schedule to the Order of Reference are as under:

- (1) Should there be a findal in charge of each of the Jolly Boats used by the Port Trust Flotilla as against merely a senior lascar on a special pay of Rs. 5/- p.m in addition to his grade pay at present?

- (ii) In the case of crews of the Port Trust vessels, should seniority be determined on the basis of the highest certificate held; should seniority of persons holding the same certificate be based on the date of obtaining the certificate?
- (iii) Should the deckhands in the Engineering Department as well as shore lascars and khalasis of the Port Department be divided into two classes, viz. Class I (Rs. 40-1-50) and Class II (Rs. 35-1-45) with an equal number in each class?
- (iv) Should free uniforms be supplied to the crews of the Chief Engineer's flotilla consisting of dredgers, launches, barges and salvage section boats?
- (v) Should transport facilities to and from Pir Pau be provided for the staff working there?
- (vi) Should the service conditions of the staff working at the Butcher Island be the same as those for the staff at the Kennery Island?
- (vii) Should special compensatory allowance be granted to the staff employed at the lighthouses for their work on holidays?

2. In September 1954 the Union served upon the Trustees of the Bombay Port, a list of demands coupled with a threat of strike in the event of default to comply with the demands. Issues (ii), (iv) and (v) of the present reference relate to three of the demands which were in the following terms:

Demand No. 14.—Restoration of the principles of certificate seniority and rectification of incorrect promotions granted during the recent past.

Demand No. 1: Supply of free uniform to the crews of the Chief Engineer's Flotilla consisting of dredgers, launches, barges and salvage section boats.

Demand No. 15.—Transport facilities to and from Pir Pau for the staff posted at the steam boosting station but staying at Bombay and similar facilities for shopping purposes, to those working and staying at Pir Pau or in the alternative grant of suitable allowances.

(Annexure to the B.P.T.'s written statement—Exhibit A).

3. Conciliation proceedings stated immediately on the service of the strike notice on the Regional Labour Commissioner. In course of the conciliation proceedings that started, the Union proposed that some items of the dispute might be referred to a private arbitrator. Demand No. 1 in the list which is the subject matter of issue (iv) of the present reference was one of the items which were proposed for reference to the private arbitrator. The Bombay Port Trust after due consideration agreed to the proposal and on 22nd September 1954 a settlement was arrived at between the parties in the presence of the Regional Labour Commissioner that aforesaid item along with several others would be referred to arbitration. It was agreed that both the parties would abide by the award of the arbitrator in full and final settlement of the demands referred to him and that the award of the arbitrator would be binding on both the parties for a period of one year from the date of the award (Annexure to B.P.T.'s written statement—Exhibit A). By a separate agreement dated 1st October, 1954, Shri N. S. Lokur *ex judge* of the Bombay High Court, was appointed an arbitrator to decide the items of dispute. Shri Lokur made and published his award on 29th December, 1954 rejecting the demand for free uniform to the crews of the Chief Engineer's flotilla consisting of dredgers, launches, barges and salvage section boats [Exhibit E/1/(a)].

4. Under the terms of the settlement, the Chairman, Bombay Port Trust was to go into the question of certificate of seniority for the purpose of promotion, not only with reference to greasers and firemen on steam vessels but also cleaners and greasers on diesel engined vessels in the light of a compromise formula viz. that an exception be made in the case of fireman who had not obtained a certificate for 10 years or more to be promoted as a greaser. This is the subject matter of issue (ii) of the present reference. The terms of settlement also provided that the Chief Engineer would go into the question of providing transport facilities to and from Pir Pau for the staff posted at the steam boosting station, Pir Pau, But staying at Bombay and similar facility for shopping purposes to those working and staying at Pir Pau or in the alternative grant of suitable allowance. This item of dispute and issue (v) of the present reference although differently worded are substantially the same.

5. Shri Nariman has assailed, as a preliminary objection, the validity of the present Order of Reference so far as it relates to issues (ii), (iv) and (v) on the ground that the settlement has not been terminated as contemplated by section 19(2) of the Industrial Disputes Act. Shri Nariman urges that so long as a settlement arrived at in conciliation proceedings is not terminated as contemplated by the statute, the settlement must be deemed to have been still binding on the subject matters of the settlement to justify a reference under section 10 of the Act. In this view of the case, Shri Nariman contends, the reference is in respect of a dead dispute so far as it relates to issues (ii), (iv) and (v) and is therefore illegal. I should in this connection refer to section 19(2) of the Industrial Disputes Act which reads as follows:

"19. *Period of operation of settlements and award*." -

(1) \* \* \*

(2) Such settlement shall be binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of six months, and shall continue to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other party or parties to the settlement."

Where a settlement is explicit about the period for which it is to be binding, it ceases to be binding on the parties immediately on expiry of the stipulated period. It is only in cases where no such period is mentioned, a settlement is binding on the parties initially for a period of six months, and only in such cases a notice in writing is required about the intention of the parties to terminate the settlement to be served on the party. In the instant case it was specifically stipulated in the settlement that the award of Shri Lokur was to be in force for one year. I need hardly mention that the subject matter of Shri Lokur's award is separable from other items of the settlement. If the award of Shri Lokur is a part of the settlement (in my view it is so), it lost its binding force under section 19(2) of the Industrial Disputes Act on expiry of one year from the date when it was made, or in other words it ceased, under section 19 of the Industrial Disputes Act, to have any binding effect on and from 29th December 1955. Besides, it appears from the proceedings of the meeting of the Trustees held on 27th December 1955 [Exhibit W/1(d)], that the Union had informed the Chairman that it wished to re-open certain questions settled by Shri Lokur. In August-September 1956, the Bombay Port Trust General Workers Union, pursuant to a resolution of the All India Port and Dock Workers Federation submitted charter of demands to the Bombay Port Trust, with a threat of strike from 15th October 1956 if the demands were not conceded in the meantime. Items 22(c), 22(f) and 22(j) in the said charter of demands [Exhibit W/1(a)], correspond to issues (ii), (iv) and (v) of the present reference. Section 19(2) of the Industrial Disputes Act or the Rules framed thereunder do not indicate any rigid form of the notice for termination of a settlement. The service of the charter of demands, with a threat of strike in the event of non-compliance with the demands, in my opinion, was sufficient notice to the Bombay Port Trust about the intention of the Union to terminate the settlement.

6. Thus, in any view of the case, there could not be any valid settlement binding on the parties on the date of the reference so far as issue (iv) of the present reference is concerned to bar a fresh reference in respect of this item of the dispute.

7. Now in respect of the other two items, viz., items (ii) and (v), I may safely say that there was no settlement. The Chairman and the Chief Engineer were to go into the questions, but there is nothing in this settlement to indicate that the Union agreed to abide by their decision, nor did the Union accept their decisions. These two items were deferred pending decision by the Chairman in respect of one of these items and by the Chief Engineer in respect of the other. This is also how the Trustees understood it. It is clear from the proceedings of the meeting of the Trustees held on 21st September 1954 (Annexure to the B.P.T.'s written statement—Exhibit O) that the Union agreed to withdraw the demands for the time being. Thus there was no settlement in respect of these items. Towards the close of the year 1955, the Union served upon the Bombay Port Trust a charter of demands with a threat of strike from 16th January 1956 if the demands were not implemented in the meantime. Demands

(iii) and (xiv) of the charter of demands correspond to issues (ii) and (iii) of the present reference [Exhibit W/1(d)]. Assuming for argument's sake that the decision of the Chairman and the Chief Engineer were part of the settlement, I must hold that the settlement in respect of these two items was also terminated by the charters of demands and the threats of strike served on the Port Trust towards the end of 1955 and in August-September 1956. The preliminary objection of Shri Nariman about the legality of the reference accordingly fails.

Issue (i)—Should there be a tindal in charge of each of the Jolly Boats used by the Port Trust Flotilla as against merely a senior lascar on a special pay of Rs. 5/- p.m. in addition to his grade pay at present?

8. The Union demands that posts of tindals be sanctioned in the scale of Rs. 55-2-65 for jolly boats both under the Deputy Conservator and the Chief Engineer. Shri Moitra on behalf of the Union urges that the duty of the tindals of the jolly boats are hazardous and the jolly boat tindals have been excluded, although without any justification, from the benefit of the Workmen's Compensation Act. In support of his statements, he has placed before this Tribunal an excerpt from the proceedings of the meeting of the Trustees held on 29th November 1955 in which a Memorandum from the Deputy Conservator dated 13th August 1955 about the nature of the duties of the jolly boat tindals appear to have been discussed and a copy of the judgment of the Workmen's Compensation Commissioner, Bombay, disentitling a jolly boat tindal Haridharma to the benefits under the Workmen's Compensation Act on the ground that he was not a workman within the definition of the Workmen's Compensation Act. These are Exhibit W/2 and annexure to the Union's statement of claim Exhibit 1(d). The following observation of the Deputy Conservator in his Memorandum dated 13th August 1955 is relevant:

"The mooring boats also run ship's lines to the harbour wall berths and Ballard Pier where they are working in heavy swell during the south west monsoon in close proximity to ships' propellers which is attended with risk of injury to the crews of the mooring boats specially under bad weather conditions."

He referred to the accidents to two members of the crew of mooring boats and the decision of the Commissioner under Workmen's Compensation Act that members of the mooring boat crew were not entitled to benefits under the Act. The crews of the tugs and launches of his Department came under the provisions of the Workmen's Compensation Act simply because they were mechanically propelled vessels. According to the Deputy Conservator the crews of the mooring boat should also come under the Workmen's Compensation Act inasmuch as their work was more hazardous than that of the tug and launch crews.

9. It has transpired at the hearing that at the present moment besides one jolly boat attached to the pilot vessel Kennery there are six jolly boats under the Deputy Conservator—four at the Alexandra Docks and two at the Prince's and Victoria Docks, and 13 jolly boats under the Chief Engineer—seven attached to the Marine Survey Branch and six to the workshops. The boat attached to the pilot vessel Kennery and one of the seven jolly boats attached to the Marine Survey Branch under the Chief Engineer are each in charge of a tindal who are respectively in the grade Rs. 75-3-90 and Rs. 65-3-80. As regard the other jolly boats, those which are under the Deputy Conservator are placed in charge of a senior first class shore lascar in the grade of Rs. 40-1-50 and those which are under the Chief Engineer are placed in charge of senior deckhands who are in the grade Rs. 35-1-45. The function of the jolly boats under the Deputy Conservator is to go to an incoming steamer which is near the docks to tie the rope of the incoming steamer to a thin rope in the jolly boat and to take the rope to the wharf in order to enable the incoming ship to be moored to the wharf, while that of the jolly boat under the Chief Engineer is to carry crews of dredgers, floating cranes and salvage section vessels to a short distance. Although these functions of the jolly boats as stated in the written statement of the Union are admitted by the Bombay Port Trust, the latter pleads that the activity of the jolly boats are confined to a distance approximately 100 ft. within closed waters. This has not been refuted by the Union. But the area of their activities is not, as indicated in the statement of the Deputy Conservator already referred, to always calm.

10. According to the Bombay Port Trust the so-called tindals, incharge of the jolly boats under the Deputy Conservator tie the ropes from the ship to the wharf under instruction of either the Dock Master on duty or the Barthing Master of the ship, and jolly boats function in conjunction of the self propelled crafts and the Master or other supervisory officer on such crafts exercise supervision over the working of jolly boats. This is not admitted by the Union.

11. The Union appears to have started agitation about the wages of the jolly boat tindals by a letter dated 11th January, 1946, addressed by Shri Kale, the then Secretary of the Union to the Secretary of the Bombay Port Trust (Annexure to B. P. T.'s written statement—Exhibit B). The demand of the Union was not very clearly defined. Shri Kale moved for just wages and grade for the work of the jolly boat tindals who were working on jolly boats and for all practical purposes were alleged to have been functioning as any other tindal of tugs or ships as far as the question of the intricacies and difficulty of the trade was concerned. In this letter he also urged that the work of the jolly boat tindals was so laborious that few people had the abilities to perform their work and that they were known and treated as tindals for the purpose of duty but were unfortunately paid khalasis' wages. This demand was given a definite form for the first time in August 1949 when the Union submitted a charter of demands (Annexure to B.P.T.'s written statement—Exhibit C), the third item of which was in respect of laskars working on jolly boats as tindals. The demand was that the laskars working on jolly boats as tindals should be given an allowance of Rs 5/- per mensem. The demand was taken up for consideration by the Trustees in a meeting held on 8th November, 1949. By a resolution 884 taken at this meeting (Annexure Exhibit D to the B.P.T.'s written statement), the pay scales of the deckhands of the Engineering Department and the Laskars of the Port Department were settled as follows and a special allowance was provided for four seniormost first class laskars at each of the Docks—Alexandra Dock and Princess and Victoria Docks (under the Deputy Conservator) as indicated below:

Categories	Grade existing on the date of the resolution	Grade proposed by the resolution
Deckhands, Engineering Department	Rs. 35-1-40	Rs. 35-1-45
Laskars working on Jolly Boats under Deputy Conservator	Rs. 40-1-50 (first class ss)  Rs. 35-1-45 (second class ss)	Same as in previous columns plus special pay of Rs. 5/- p.m. each.

The special allowance was granted on account of the higher responsibilities which the Laskars under the Deputy Conservator shoulder, as the resolution indicates, when they take charge of Jolly Boats. The deckhands of the Engineering Department continued to be placed in charge of jolly boats without any extra payment for the job till the 1st July 1957 when a special pay of Rs. 5/- p.m. became available to 13 deckhands working on 12 jolly boats and one anchor boat on the strength of a resolution of the Trustees taken at a meeting held on 16th July, 1957 (Annexure Exhibit E to the B.P.T.'s written statement). This special allowance of Rs. 5/- has since been extended and is available to 16 senior laskars under the Deputy Conservator and 14 senior deckhands under the Chief Engineer. It has been abundantly proved that in view of the responsibility of the laskars and the deckhands in charge of the jolly boats respectively under the Deputy Conservator and the Chief Engineer, they cannot be bracketed with the shore laskars and the deckhands who are otherwise employed.

12. A question arises whether the duties and responsibilities of the laskars and deckhands in charge of jolly boats can be compared with those of the tindals in dock tugs or of the tindal in charge of the jolly boat attached to the pilot vessel Kennery or of the tindal in charge of the survey jolly boat attached to the Marine Survey Branch. The dock tugs tow the incoming and out-going ships to and from berths while jolly boats under the Deputy Conservator run the ropes from the ship to the dock wall, a distance of normally not more than 100 ft. under direct order from the Dock Master or the Berthing Master and the jolly boats under the Chief Engineer are employed only for the purpose of transporting the crews of the dredgers, floating crane and salvage vessels to short distances only. About the jolly boat attached to the pilot vessel Kennery, it is in charge of the tindal of the said Kennery who in addition to taking charge of the said jolly boat also assists the serang of the main vessel in general supervision over the work of the deckhands of the main pilot vessel, and the jolly boat of the pilot vessel which is anchored at the approaches to the Port has to work in the open sea where the sea is normally rough whereas the other jolly boats under the Deputy Conservator or under the Chief Engineer operate in closed waters within

100 ft. from the dock wharf. The tindal incharge of the survey jolly boat has actually to do survey work and is incharge of all jolly boats attached to the Marine Survey Branch. The responsibility of the laskars and deckhands in charge of the jolly boats under discussion falls far short of that of the tindals incharge of tugs, pilot vessels and survey jolly boats but is greater than that of the laskars and deckhands otherwise employed.

13. In the Deputy Conservator's Department the next promotion of the first class laskar is to the post of Cassab who are in the grade Rs. 50-75 and it is admitted by the Union that the promotion is available to a first class laskar only if he works for a certain period as a jolly boat tindal. I am not at this stage called upon to revise the grade for the Cassab. Thus the first class laskars incharge of jolly boats must at best be placed in a grade just lower than that of the Cassab. On a careful consideration of the duties and responsibilities of the laskars incharge of jolly boats under the Deputy Conservator, I direct that they be placed on a grade Rs. 45-1-55. The Deputy Conservator has himself called the laskars incharge of jolly boats "Jolly-Boat-Tindals" in his letter dated 30th September, 1955, to the General Secretary of the Bombay Port Trust General Workers Union [Annexure to the Union's statement Exhibit 1(A)]. I do not find any objection to these people being designated as jolly boat tindals. It was urged on behalf of the Bombay Port Trust that the laskars incharge of the Jolly boats cannot be placed in a well defined grade inasmuch as they are alternately employed on the shore and in the jolly boats. This contention does not appeal to me inasmuch as the special allowance is being paid to 16 seniormost first class laskars and it is nobody's case that this special allowance is available only when the laskars are incharge of the jolly boat. There is no bar to a jolly boat tindal being employed on the shore when he is not incharge of any jolly boat. I do not fix the strength of the cadre but I leave it to the good sense of the Bombay Port Trust. For the present, only the recipients of the special allowance shall be designated as Jolly Boat Tindals and shall be placed in the new grade prescribed for them.

14. I now take up the case of the deckhands who are incharge of jolly boats under the Chief Engineer. Their duties and responsibilities are almost akin to those of the laskars under the Deputy Conservator incharge of jolly boats, the only difference being in the details of their respective works. Thus there is absolutely no reason why they should not be placed at par with their counterpart under the Deputy Conservator. I accordingly award that the deckhands under the Chief Engineer who are recipients of the special allowance of Rs. 5/- shall be designated as tindals of jolly boats and shall be placed in the grade Rs. 45-1-55 as the 16 laskars in the Deputy Conservator's Department. I may mention here that when these tindals of jolly boats are not actually employed in jolly boats, they may be employed in other works which they have been doing at present.

15. My award accordingly is that jolly boats under the Deputy Conservator and the Chief Engineer which are at present in the charge of laskars and deckhands with special allowance of Rs. 5/- shall be placed in charge of Jolly Boat Tindals who shall be recruited from among the shore laskars and deckhands respectively under the Deputy Conservator and Chief Engineer according to seniority and suitability as at present, and shall be placed in the grade Rs. 45-1-55.

16. There will be no difficulty in fitting these people under the Deputy Conservator in the revised grade inasmuch as the new scale has been framed by consolidating the special pay or allowance of Rs. 5/- with the basic pay. For the Chief Engineer's department, the special allowance of Rs. 5/- shall also be consolidated with the basic pay. Those who would still, after this adjustment, get less than Rs. 45/- shall be pulled up to the minimum of the new grade and shall be allowed one increment for every three completed years of service subject to the maximum of three increments. This award shall take effect on and from the date when it becomes enforceable under the Industrial Disputes Act.

Issue (ii)—In the case of crews of the Port Trust vessels, should seniority be determined on the basis of the highest certificate held; should seniority of persons holding the same certificate be based on the date of obtaining the certificate?

17. The preliminary objection of the Bombay Port Trust relating to this issue has been over-ruled and I proceed to discuss the issue on the merit. Prior to 1st September, 1949, the practice was that promotions of stokers (firemen) to

the higher posts of greasers, tindals, serangs and drivers were based on qualifications, that is, a stoker possessing a second class drivers certificate was preferred even for the post of greaser, to non-certificated men, although the post of greaser did not require any qualification. The consideration at the back of this practice was as indicated by the Acting Chief Engineer in his letter to the Special Officer, Secretary's Department, Bombay Port Trust, dated 31st August, 1949 [Annexure to the Union's written statement Exhibit 2(a)], although the post of greasers did not require any qualification, preference was given to firemen with at least a second class driver's certificate while promoting them to the post of greasers inasmuch as these type of men would not go in for higher qualifications, namely, engine driver's certificate which were required for higher appointments—firemen tindals, firemen serangs and engine drivers. By a letter dated 3rd July 1949, the Bombay Port Trust General Workers' Union for the first time, complained against this practice so far as promotion of firemen to the post of greasers in the engine room of the steam vessels under the Chief Engineer was concerned, pointing out how the practice adversely affected individual worker (Annexure to Bombay Port Trust's written statement Exhibit F). On receipt of this complaint the old practice was replaced by new rules which were as detailed below:

- (1) Promotion below the rank of firemen tindals, that is, upto greasers will be on the basis of seniority of service;
- (2) promotion to the rank of tindals and upward will be based on seniority of service amongst men holding the highest certificates. Seniority prior to 1st September, 1949 would in any case be maintained.

These new rules were to come into force on 1st September, 1949. [Annexure to the Union's written statement Exhibit 2(A)]. This rule was made applicable to the engine room crews both under the Chief Engineer and the Deputy Conservator with effect from 1st September, 1950 and the Secretary of the Union appears to have been apprised of this decision of the Chairman from time to time by letters of different dates [Exhibit W-3(c), dated 8th July, 1950, Exhibit W-3(g), dated 1st December, 1953].

18. Immediately after the decision was taken to change the old practice in the line indicated above in respect of promotion of the engine room crews of steam vessels under the Chief Engineer and the Deputy Conservator, the Union addressed a letter to the Secretary of the Bombay Port Trust on 12th September, 1949 withdrawing the complaint dated 3rd July, 1949 and urging that the competency certificate should determine the seniority for promotion and praying that definite principles might be laid down by the Chairman to avoid divergent practices in the different sections of the two departments (Ext. W-3). The Bombay Port Trust found no justification to alter the revised rules and the Unions started agitation which although initially confined to the engine room crews of the steam vessels under the Chief Engineer eventually covered the entire crew of flotillas under the Chief Engineer and the Deputy Conservator—the deck crews as well as engine room crews of steam vessels and motor and diesel vessels.

19. For a clear appreciation of the agitation, the following chart about the channel of promotion of the flotilla crews of different sections under the two departments may be of some importance:

(Based on Exhibit E/2)

#### DEPUTY CONSERVATOR'S DEPARTMENT :

##### (a) Deck :

Lascar class II—Lascar class I—Seacunny—

Jr. Serang — Serang — Master Class II — Master class I.

##### (b) Engine Room:

###### (i) Steam vessels —

Stoker class II—Stoker class I— Greaser—

Greaser and Winchman — Tindal of Stokers Gr. II—

Tindal of Stokers Gr. I—Driver Junior—

Serang of stokers—Drivers Gr. III—Drivers Gr. II—

Drivers Gr. I

###### (ii) Motor vessels—

Cleaner—Greaser—Motor Engine Driver Gr. II—

Motor Engine Driver Gr. I

## CHIEF ENGINEER'S DEPARTMENT :

(a) *Deck :*(i) *Workshop*—Deckhand—Tindal—Seacunny—Serang—  
Mate Gr. II—Master Gr. II.(ii) *Dredging and Fire Float No. I—*Deckhand—Deckhand (Splicer)—Winchman—Tindal—  
Seacunny—Mate Gr. II—Mate Gr. I—Master Gr. II—  
Master Gr. I.(b) *Engine Room:—*(i) *Steam Vessels—*

Coal Trimmer—Stoker Gr. II—Stoker Gr. I—Greaser—

Fireman—Tindal—Fireman Serang—Engine Driver Gr. II—  
Engine Driver Gr. I.(ii) *Motor Vessels—*

Cleaner—Greaser—Engine Driver Gr. II—

Engine Driver Gr. I.

The Bombay Port Trust was definitely of the opinion that as the considerations which were at the back of the old practice were no longer existent and that as the old practice was not calculated to be either equitable or in the interest of the workers, it was high time that the old practice should be reviewed and revised to fit in with the present conditions.

20. I may in this connection refer to the observation of the Acting Chief Engineer in his letter to the Special Officer, Secretary's Department, Bombay Port Trust, dated 31st August, 1949 [Annexure to the Union's written statement—Exhibit 2(a)].

"Although the post of greaser does not require any qualifications, the recruitment for higher appointments, viz firemen-tindals, firemen serangs and engine drivers, which require engine driver's certificate is made from greasers; it is therefore essential to give preference to firemen possessing at least a second class engine driver's certificate when promoting as greaser, because experience has shown that this type of men do not go in for higher qualifications unless there is something to gain immediately."

This was the condition in the past. In course of the proceedings of the Trustees meeting held on 21st September, 1954 to consider the demands 14 and 15 of the charter of demands served upon the Bombay Port Trust by the Bombay Port Trust General Workers Union in August 1954, the change in the position appears to have been discussed. In that meeting the report of the Chief Engineer on the subject was placed (Annexure to B.P.T.'s written statement Exhibit O). An additional consideration which was at the back of the old practice was, as reported by the Chief Engineer, that in the olden days the men who took up the post of firemen, etc. were mostly illiterate and found great difficulty in obtaining certificates. According to the Chief Engineer, the recruits have, of late, generally a certain amount of education and find it comparatively easy to pass examinations. It might have been necessary in the past to put a high premium on the certificates when they were scarce but now that the position has been eased, it is neither equitable to the crews nor in the interest of the Trust to base promotion on certificates entirely. Besides, possession of a certificate does not in any way make a man more suitable for promotion to the post of a greaser. In work of practical nature, such as in the stock-holds and engine rooms on flotillas the value of practical experience should not be overlooked. \*\*\*. It is considered that an uncertificated man with long experience would make a better greaser than an inexperienced man with a certificate.

21. There was an additional consideration in justification of the change and that was a humanitarian one. Several older hands who were excellent workmen otherwise who were not able to obtain any certificate would have to remain as fireman for ever but it would not be possible for an incumbent to carry on, in his old days, the work of a fireman which is extremely arduous. The new rule was accordingly framed with a view to give some relief to the fireman in his old age by making his work a little lighter and by giving him a slightly higher remuneration in his old age recognition of his long faithful service in the past,

The considerations which prompted the Bombay Port Trust to revise the rules were duly communicated to the Secretary of the Union by letter dated 6th April, 1955 (Annexure to B.P.T.'s written statement—Exhibit G). The controversy which was originally confined to the engine room crews of steam vessels under the Chief Engineer, gradually spread to other sections and ultimately covered all the sections of the flotilla crews both under the Chief Engineer and the Deputy Conservator.

22. Some of the posts both on the deck and in the engine room require competency certificate granted under the Government rules framed for higher post in marine service. Exhibit E/2 is a copy of the rules. The controversy which is the subject matter of the present issue must be examined and settled against the background of the Government rules about the pre-requisite qualifications for competency certificates and tests for higher posts in the marine service, and the existing scheme of promotion for the crews of the flotillas under the Chief Engineer and the Deputy Conservator—both on the deck and the engine room of the steam vessels as well as motor and diesel vessels. It is found from a perusal of the rules that to qualify for higher tests of competency certificates, a worker must have experience for a definite period in the minimum as a serang, tindal, principal fireman, second driver in the engine room of steam vessels, as serang, principal tindal, chief greaser, principal oilman and second driver in the engine room of motor vessels and as chief Helmsman of a steam vessel on the deck. But curiously enough the set up in the Bombay Port Trust does not specifically provide many of these posts. It is, therefore, really difficult for a non-technical man to form a clear idea as to which of the posts in the present set up of the Bombay Port Trust correspond to these categories. But as certificates for eligibility are issued by the Bombay Port Trust on the basis of prior service in the existing set up have been and are being accepted by the Mercantile Marine Department, I may fairly presume that the existing set up substantially answers the requirement of the rules. The Bombay Port Trust has no post for principal fireman, but the rules require a certificate for principal fireman for a minimum period of 12 months as a pre-requisite to qualify for the post of a second class driver's certificate and the fireman under the Bombay Port Trust are granted eligibility certificates notwithstanding there is no special grade of principal fireman. The Union appears to have had some apprehension in the past that in the existing state of things if a worker does not serve as a greaser for 12 months, he will not be eligible to appear at the test for a competency certificate and this apprehension appears to have been the basis of the agitation that started so far back as in 1949. The Chief Engineer in his letter dated 11th February, 1950, to the Secretary of the Bombay Port Trust General Workers Union clarifies the position [Exhibit W-3(b)]. He says that the apprehension of the Union was baseless. I could understand in course of the arguments that each and every vessel has more than one fireman, the number of firemen being dependent on the horse-power of the vessel and employment as a senior fireman was a substantial compliance with the requirements of the rules. I am not here called upon to create grades for the post of principal fireman which are not found in the present set up of the Bombay Port Trust. I have thus no alternative other than to accept what is submitted by the Bombay Port Trust who is the ultimate authority to certify eligibility of the candidate for higher tests. It was made clear in the letter, to which I have already referred, that certificate as a greaser in a steam vessel was not necessary for a certificate of eligibility for higher post. It was also made clear by the Deputy Conservator in his letter to the Union dated 31st May, 1955, [Exhibit W. 3(i)] that one year's service as a senlormost stoker in his work would be recognised as requisite service as the principal stoker for eligibility for the post. Similarly Junior Driver may be taken to correspond to assistant driver as contemplated by the rules and the senlormost greaser corresponds to the principal or chief greaser.

23. Before I proceed to lay down any definite rules in the matter of seniority for the purpose of promotion among the crews of the Bombay Port Trust flotillas under the Chief Engineer and the Deputy Conservator, the definite rules which are prevalent in all the sections on this date must be ascertained. As I have already noted that the controversy started with a complaint which is related to the engine room of a steam vessel under the Chief Engineer. The rules which replaced the old practice, in response to the Union's complaint, were made applicable to the engine room crews both under the Chief Engineer and the Deputy Conservator [Exhibit W/3(c)]. These rules were not however applicable to the engine room crews of the motor and the diesel vessels [Ext. W/3(g)]. It is clear from the rules about eligibility for the test for a second class motor driver's certificate that the worker must have to his credit service for a definite period as the Chief Greaser. Thus, for the post of greaser in the motor vessels, although

a competency certificate is not required, if the post is filled up by an uncertificated person who has neither any intention or any capacity to appear at the test is likely to block prospects of willing and capable workers. This view appears to have been taken by the Mechanical Superintendent of the Bombay Port Trust who observed:

"Appointing a cleaner who is never likely to qualify as a driver will be a waste of an opportunity for getting qualified drivers eventually."

(Annexure to Union's written statement—Ext. 2-C).

A similar view appears to have been taken by the Chief Engineer in his letter dated 29th December, 1954, to the Secretary of the Union about promotion to the post of Seacunny. Although the post of Seacunny, does not require any competency certificate, the post is a qualifying or training post for higher tests. The Chief Engineer says that promotion to the post of Seacunny is from the ranks of tindals but such promotion is given only to such tindals as would agree to appear for the competency certificate in due time (Annexure to Union's written statement Ext. 2-D).

24. The Deputy Conservator appears to have laid down some rules for promotion among the deck crews in his department. These rules were communicated by a letter dated 14th May, 1952, (Annexure to Union's written statement Exhibit 2-E) to the Senior Dock Master for his guidance. These were:

- (1) Permanent promotions to the post of Seacunny to be made on seniority of certificate.
- (2) Temporary promotion to the post of Seacunny to be on seniority of service.

In a letter to the Secretary of the Union dated 4th February, 1954, (Annexure to the Union's w.s. Ext. 2-F) the Chief Engineer stated that in the Dredging Section, the posts of Seacunnies were invariably filled in by men holding 2nd class Inland Master's Certificate or the certificate of competency as Serang (I.S.U.), with a view to have certified men in readiness to take over as Mate, 2nd grade in case of leave, illness, etc. Some Tindals who had been in the post of seacunnies for a sufficient length of time to qualify for the test were given notice on pain of losing their seniority to appear at the tests.

25. In a letter to the General Secretary of the Union dated 18th June, 1953, the Deputy Secretary of the Bombay Port Trust formulated a general rule in the following terms:

"The first step should be to weed out the men who do not possess the requisite qualifications and then to offer the post to the man having the longest service among the men possessing the necessary qualifications provided he is otherwise considered suitable." (Annexure to Union's w.s. Ext. 2-G).

26. The General Secretary of the Union in his letter to the Deputy Conservator dated 20th July, 1954 (Annexure to Union's w.s.—Exhibit 2-B) appears to have tempered down his demand in respect of promotion in the Engine Room of steam vessels and to have offered the following suggestions:

- (a) For promotion to permanent post of greasers', first chance should be given to Fireman holding second class Driver's certificate. If firemen holding qualification certificate are not available, firemen should be promoted on the basis of service seniority.
- (b) For all promotions to temporary posts of greasers, service seniority should be followed.
- (c) All promotions above the post of greaser should be strictly on seniority of qualification certificate.

As I have already noted the demand of the Union on the present issue was to be considered by the Chairman. The subject was purely technical and had to be considered by the Chairman in consultation with the Chief Engineer and the decision was communicated to the Union by a letter dated 6th April, 1955, (Annexure to Unions w.s. Ext. 2-G).

27. Towards the close of 1955, the Union served on the Port Trust a charter of 18 demands with a threat of strike. The present demand appears to have been covered by the said charter of demand [Exhibit W-1(d)—demand (iii)]. These

demands appear to have been taken up by the Trustees for discussion in a meeting held on 27th December, 1955. In the meeting the existing rules on the subject appears to have been consolidated as follows:

"The existing orders are that seniority should be determined as follows:

I. *Engine Room*—

(i) *Steam vessels*—Promotions to posts of greasers should be on the basis of service seniority and for higher posts on the basis of service seniority from amongst those holding the certificate required for the post.

(ii) *Motor vessels*—Same as steam vessels except that persons appointed as Cleaners after 24th November, 1954, should be required to pass a test in carrying out minor engine repairs in order to qualify for promotion for the post of greaser.

II. *Deck*—Leave vacancies of Seacunnies should be filled by the promotion of lascars according to service seniority and permanent vacancies by the promotion of lascars holding a Serang's certificate. Posts above that of Seacunny should be filled up according to service seniority from amongst those holding the required certificate [Ext. W. 1(d)].

28. These are the final rules. A comparison of the rules as originally framed [Union's w/s Annexure Exhibit 2(a)] and the rules as finally settled [Exhibit W. 1(d)] will show that the rules in their final stage were more liberalised. In respect of promotion of the rank of tindals and upwards, Annexure Exhibit 2(a) read with Exhibit 3(c) appears to have given priority to workers holding the highest certificates, that is, first class driver's certificates according to seniority in service, notwithstanding the fact all of these promotion posts did not require the highest certificates. The final rules insist upon such certificates as are just required for the jobs.

29. The rules as laid down by the Deputy Conservator about promotion among the deck crews do not appear to have had the full approval of the Chief Engineer and on the materials placed before me, I am inclined to believe that although the system was substantially systematised, minor divergence still persisted in the detailed application of the rules.

30. I have very carefully considered the demands of the Union and I am inclined to think that the demands are not in keeping with the general principles of promotion. The wages of the workers are fixed with reference to the job and in fact wages are nothing but the money value of the strain, risk, responsibility and other elements involved in the job and only such workers as have the requisite qualifications to execute the jobs are selected. Thus indirectly the wages also represent the money value of the qualifications of the workers. It, therefore, stands to reason that the qualifications of the workers should be just what are required for efficient execution of the jobs. If higher qualifications are insisted the result would be to under pay the workers.

31. I have very carefully considered the materials and circumstances of the present case and I lay down some broad principles for guidance in the matter of promotion for the deck crews and the engine room crews of the flotillas—both steam vessels and motor and diesel vessels under the Chief Engineer and the Deputy Conservator:

- (1) Promotion shall be according to seniority cum suitability.
- (2) Existing practice of holding tests and the existing lines of promotion are not disturbed by this award.
- (3) Standard of efficiency shall be just commensurate with the requirements of the job and shall not be placed too high.
- (4) Extra efficiency or extra qualification, i.e., more qualification than what is required for the promotion-job shall not entitle a person to preferential treatment over the senior persons otherwise eligible for promotion. Such extra efficiency or qualification may be recognised at the proper time by higher promotions requiring such extra efficiency or qualification.
- (5) The question of filling up a vacancy by promotion arises when the vacancy occurs and qualifications and comparative seniority at this relevant point of time shall be the determining factor.

- (6) Vacancies in such posts as are considered qualifying post or post for training for higher tests in the marine service, e.g. seacunny on the deck and greaser in the engine room of the motor and diesel vessels may be filled up by men without competency certificate only for period or periods as are considered, by the departmental heads, sufficient to enable them to qualify for the test for higher posts. If the incumbents fail to obtain the competency certificate within a reasonable time, they shall be reverted to the post they were in immediately before the promotion, to afford opportunities to junior workers who have the intention and capacity to qualify and to appear at the test for higher posts for which such certificates are essential.
- (7) For ascertaining comparative seniority for the purpose, the following shall be the guiding principles:
  - (1) Persons possessing the required qualifications for the promotion job shall be picked up for consideration and their comparative priority shall be based on their comparative seniority as indicated below:
    - (a) Basic pay shall ordinarily determine the comparative seniority of the candidates;
    - (b) Where basic pays are equal, the date of confirmation in the grade just below the promotion grade shall be the guiding factor;
    - (c) Where there is no difference in the basic pays and the lengths of service in the grade just below the promotion grade from the date of confirmation, as aforesaid, additional higher qualification shall determine the priority as indicated below:
      - (i) the candidate who possesses any such certificate shall have priority over those who have none;
      - (ii) for jobs requiring the lower certificate, the date of obtaining the certificate shall determine the priority in cases where the basic pay, length of permanent service in the grade just below the promotion grade are the same, irrespective of any consideration about any higher certificate;
      - (iii) Where all these things are equal, the next higher certificate shall determine the priority of a candidate over those who have no such higher certificate, and if more candidates than what is required have such higher—certificates, the date of obtaining the higher certificate shall be the guiding factor.
  - (8) Subject to the provisions in rule (6) workmen once promoted shall not be made to revert to his original post on the ground that the man senior in service has acquired the requisite qualification for the promotion subsequent to date when the vacancy occurred. This rule does not apply when the promotion is in respect of a temporary vacancy.
  - (9) A man promoted temporarily to a higher job is, on reversion to his original job relegated to his original position in the seniority list. His officiating service may count to determine his priority only when all other things are equal.

This is my award. It shall take effect when the award comes into force.

Issue (iii)—Should the deckhands in the Engineering Department as well as shore lascars and khalasis of the Port Department be divided into two classes, viz. class I (Rs. 40—1—50) and class II (Rs. 35—1—45) with an equal number in each class?

32. The dispute relates, as the Union admits, to the shore lascars under the Deputy Conservator and the deckhands in the flotillas under the Chief Engineer. The lascars under the Deputy Conservator employed either on the shore or on flotillas under him have been classified and placed in two grades:

Lascar, class I	.. Rs. 40—1—50
Lascar, class II	... Rs. 35—1—45

The Deputy Conservator's flotillas are manned by lascars of the two classes in equal number, but, in the shore establishments at Alexander docks, Princess and Victoria Docks, Butcher Island and head office, the first class and second class lascars are employed in the ratio 1 : 2. But the counterparts of those lascars in the flotillas under the Chief Engineer who were previously called

khalasis and have recently been designated as deckhands are in the grade Rs. 35-1-45 without any classification. There is a higher grade for deckhands under the Chief Engineer who are employed for rope splicing or rope repairing with wire fenders. They are in the grade Rs. 40-1-50. Previously there was no separate grade for splicing work. It was for the first time in the meeting of the Trustees held on the 13th July, 1948 when by resolution the wage scales of some categories of workmen were revised, that the khalasis or the deckhands doing the splicing work were given a special pay of Rs. 3/- per month in addition to the general grade prescribed for khalasis or deckhands under the Chief Engineer (T.R. 451 of 13-7-47—Exhibit W/4). The demand which is the subject matter of the present issue appears to have been canvassed at least twice before—once in 1955 and again in 1956 when the Union appears to have served on the Bombay Port Trust two separate sets of demands with a threat of strike. The present demand is the same as the Demand No. xiv of the charter of demands which was served upon the Bombay Port Trust towards the close of the year 1955 and Demand No. 22-E of the charter of demands served upon the Bombay Port Trust in August 1956 although worded slightly differently. The charters of demands of 1955 and 1956 appear to have been taken up for discussion in the meetings held respectively on 27-12-1955 and 20-12-1956 [Exhibits W.1(d) and W.1(e)]. At the meeting held on 27-12-1955 the Trustees observed:

“The fact that deckhands (splicers) are placed in the grade of Rs 40-1-50 does not imply division of deckhands into two classes. The deckhands (splicers) who do the work of splicing of steel and coir ropes were classified by the Water House Committee as ‘semi-skilled’ and were accordingly given the grade Rs. 40-1-50. These men form a distinct category by themselves.”

Hence in considering the present demand for the deckhands under the Chief Engineer, we are to leave out of account the grade and scales of pay for the deckhands (splicers), whose duties are different from those of the deckhands or Khalasis employed on flotillas and who should more properly be designated as ‘splicers’

33. The Union thinks that the nature of work of all the flotillas irrespective of the department to which they are attached is identical and the nature of work of the lascars, whether they be employed on the shore or on the flotillas is the same. In the view which the Union has taken of the existing state of things, the Union considers the difference in the wage scale of the lascars under the Deputy Conservator and the Khalasis or deckhands under the Chief Engineer inequitable and unjustifiable. The Union appears to have agitated in the matter from time to time. The earliest document about this agitation is a letter dated 4th August, 1949 addressed by the Secretary of the Union to the Secretary, Bombay Port Trust. This is Exhibit W/4(a)—page 2. In paragraph 6 of this letter the demand has been clearly indicated. Annexure to the Union's written statement Exhibit 3(a) is an extract of the discussions between the Bombay Port Trust and the Union held on 9th September, 1949. The Bombay Port Trust appears to have agreed that the position of the lascars in the Chief Engineer's Department would be re-examined by the Chief Engineer with a view to find out whether there was any justification to place his men in two classes, viz., first and second, on the lines adopted by the Deputy Conservator's Department. It was further agreed that in the event of such classification being justifiable from the point of view of the nature of work and responsibility, those men who would be put in first class would be eligible for a scale of Rs. 40-1-50.

34. The lack of uniformity in the classification of the lascars under the Deputy Conservator and their counterparts, khalasis and deckhands under the Chief Engineer was the main cause of the discontent of the khalasis or deckhands under the Chief Engineer. In the absence of any positive evidence to the contrary, it must be presumed that the work in comparable flotillas under the Bombay Port Trust, irrespective of the Department to which they are attached, is the same. In fact the Union appears to have pointed out the difference of the classification and wage scales of the two sets of comparable workers with identical duties under the Deputy Conservator and the Chief Engineer under the Bombay Port Trust. But the Bombay Port Trust could never suggest any grounds to justify the difference in the service condition of these two comparable categories of workmen under the two departments except that the classification of the lascars under the Deputy Conservator had been in vogue for many years. For a clear appreciation of the contentions of the parties, I give below a comparative chart indicating therein the pay scales, of the khalasis or deckhands under

the Chief Engineer and the lascars under the Deputy Conservator prior to 1946 and the subsequent advances in their respective wage scales:—

*Comparative chart and the pay scales of the khalasis (Deckhands) under the Chief Engineer and the Lascars under the Deputy Conservator.*

Designations and Departments to which attached	Prior to 1946	T.R. 502 of 17-9-46 BP.T's W/s Ext. H	T.R. 451 of 13-7-48 (Ext.W/4)	T.R. 884 of 8-9-49 B.P. T'S (W/s. Ext. I)	T.R. 35 of 25-1-49 B.P.T'S (W/s Ext. K.)
Khalasis (Deckhands) under Chief Engineer.	Re. 1/2/6 with incremental scales to Re. 1/6/- (Rs. 30—36) (Daily rated)	Rs. 35-1-40 (Page 18)	Rs. 35-1-40 (Item 102)	Rs. 35-1-45 (Item 9)	..
Those who do the work of rope splicing or rope repairing with wire fenders	..	Do. plus a Special pay of Rs 3/-		Rs. 40-1-50 (Classified as semi-skilled on Water House Report date 16-11-48)	
Lascars under Dy. Conservator (Port Dept.)					
Grade I	Rs 33/-(Fixed) (Monthly rated)	Rs. 35-1-40 (Page 22)	Rs. 40-1-50 (Item 166)	Rs. 40-1-50 (Item 18)	
Grade II	Rs. 30/-(fixed) (Monthly rated)	Rs. 30-1-35 (Page 22)	Rs. 35-1-45 (Item 167) (Para. 5 P.2)	Rs. 35-1-45 (Item 18)	

*Minimum wages under Minimum Wages Act recommended.*

(B.P.T's w/s Exhibit L)

Khalasis, Engineering Rs. 40/-

Do. 2nd grade Rs 35/-

35. It will be clear from the chart given above that prior to 1958 the khalasis or deckhands under the Chief Engineer were daily rated workmen, who were placed in a grade with incremental scales starting with Re. 1/2/6 per day and rising upto Re. 1/6/- per day. The monthly emoluments of these khalasis worked out to Rs. 30/- to Rs. 36/-. The lascars under the Deputy Conservator were placed in two grades. They were monthly rated but their pay was fixed at Rs. 33/- for Grade I lascars and Rs. 30/- for the Grade II lascars. The mean of the minimum and maximum of the incremental scales of the khalasis under the Chief Engineer was Rs. 33/- which was the monthly wage of the Grade I lascars under the Deputy Conservator. The wages of these two categories of workmen appear to have been revised by a resolution of the Trustees dated 17th September, 1946. The khalasis under the Chief Engineer were given a monthly scale of Rs. 35-1-40 and the lascars under the Deputy Conservator were given the grades Rs. 35-1-40 and Rs. 30-1-35. The wage scales were further revised in 1948 by a resolution of the Trustees dated 13th July, 1948. The scales for the lascars under the Deputy Conservator were upgraded to Rs. 40-1-50 and Rs. 35-1-45 but the khalasis under the Chief Engineer were not given any increment except that those who were doing splicing work were given a special pay of Rs. 3/-. Under the scheme of the Bombay Port Trust Rs. 30-1-35 was the grade for the unskilled workers. The two categories of workmen before us appear to have been classified along with several other categories for the first time in 1948 by the Trustees' resolution 451 of 13th July, 1948. Both the khalasis or deckhands under the Chief Engineer and the lascars Grade I and Grade II

under the Deputy Conservator were classified as unskilled workers. Referring to the khalasis or deckhands under the Chief Engineer, the reasons for giving them a higher pay than what is prescribed for the unskilled workers appear to have been discussed. [Paragraph 4(3) of the Minutes of the meeting held on 13th July, 1948—Exhibit W/14]. It was observed:

"Some categories although classified as unskilled have been allotted higher scale on account of the more intensive or laborious nature of work of slightly greater intelligence required, e.g. see items 90 to 104 of the statement."

The scales fixed for the lascars class I and class II under the Deputy Conservator are also higher than Rs. 30-1-35. No explanation appears to have been offered for giving the lascars under the Deputy Conservator a still higher grade. In fact there is nothing on the record to indicate why the first grade lascars under the Deputy Conservator who were all along at par with the khalasis or deckhands under the Chief Engineer before 13th July, 1948 were suddenly upgraded and the khalasis under the Chief Engineer were given a scale with a maximum which was even lower than that of Grade II lascars under the Deputy Conservator. Further by a resolution taken on 8th November, 1949 the wage scale of the khalasis or deckhands under the Chief Engineer was revised so as to bring it at par with that of the second grade lascars under the Deputy Conservator.

36. The Union's demand for classification of the deckhands employed on the flotillas under the Chief Engineer was all along turned down by the Bombay Port Trust on the ground that the works of the deckhands are similar in nature and do not admit of any classification. If that be so, there was no justification for the classification of lascars under the Deputy Conservator into class I and class II. This the Bombay Port Trust admits in its written statement. If really there was no justification for classification of the deckhands under the Chief Engineer and the lascars under the Deputy Conservator whose works are similar in nature, there was absolutely no reason to prescribe two grades for one of these two categories of workers to the exclusion of the other category. If the practice of maintaining the two grades for the lascars under the Deputy Conservator which is admittedly not otherwise justifiable is perpetuated because it was an old practice, I fail to understand why the parity between the wages of the deckhands under the Chief Engineer and the first grade lascars which existed in the past at least upto 13th July, 1948 should not be maintained on identical consideration of sanctify of old practice. It has not been disputed that the works in the flotillas under the Bombay Port Trust both under the Chief Engineer and Deputy Conservator are identical. It, therefore, stands to reason that comparable flotillas belonging to these two departments should be manned in the same way by crews with identical scales of pay. Any deviation from this principle without justification is likely to disturb the peace in the industry to its detriment.

37. Although routine works of a particular category of workers bearing a designation indicative of their normal duties may be similar in nature, there are jobs which require higher experience, nature consideration, quick execution and some amount of foresight and intelligence, and a thorough mastery of the details of job which are generally expected of the comparatively senior people and senior people are generally allotted such works. These might have been the consideration of classification of the lascars under the Deputy Conservator in the past. Besides there was an additional consideration for perpetuating the classification. The Union's case is that the pay scales for the shore lascars under the Calcutta Port Commissioners was fixed at Rs. 35-1-50 on the recommendation of the Central Pay Commission and that when the matter was taken up by the Bombay Port Trust, the Union agreed to split up the grade into two grades Rs. 35-1-45 and Rs. 40-1-50 with a view to create in the shore lascars a sense of continuous progress. Apart from this psychological effect on the minds of the workers, the splitting of the grade was considered convenient. Consistent with the consideration which was the basis of the splitting up, the number of workers in the higher grade could not be less than that in the lower grade or in any case the two grades should have equal number of workers. The Union appears to have advanced these identical grounds in 1953 and 1956 when the present demand was mooted before the Bombay Port Trust but the Bombay Port Trust does not appear to have ever refuted the Union's statement. Even in the pleadings filed in the present proceedings the Union's allegation as to how the two grades of the shore lascars continued to exist even after the report of the Central Pay Commission has not been traversed by the Bombay Port Trust.

38. The Union has given in its written statement a catalogue of the duties of shore lascars to make out a case that they are not unskilled workers. At the hearing Shri Nariman states that for item (ix) special workmen have been appointed. I need not go into the controversial point whether the lascars under the Deputy Conservator and the khalasis or deckhands under the Chief Engineer are unskilled or semi-skilled workmen. The fact remains that they do identical works. But service conditions for these two categories of workmen are different simply because they are under two different departments. This can by no means be justified. I have carefully considered the materials placed before me and the arguments of the representatives of the parties and I am definitely of the opinion that there should be two grades for the khalasis or deckhands employed in the flotillas under the Chief Engineer viz. Rs. 40-1-50 and Rs. 35-1-45 and that each and every flotilla shall be manned by deckhands in the two grades in the ratio 50 : 50.

39. For fitting the existing deckhands in the new grades I direct that 50 per cent. of the deckhands should be transferred to Grade I which has been prescribed by this award according to their seniority-cum-suitability and those who have reached the maximum of the existing grade which corresponds to the second grade prescribed by this award and are considered suitable for promotion to Grade I shall be given one increment for every three completed years of service at the final stage of the existing grade subject to a maximum of three increments. This award shall be given effect to when it becomes enforceable under the law.

40. Now coming to the percentage of employees belonging to the two grades of lascars under the Deputy Conservator employed on the shore there is nothing to show the exact position in this respect in the past. The splitting up of the grade into two smaller grades presupposes a difference in the nature of the duties of the workers of the two grades. Even assuming that in the past the lascars under the Deputy Conservator employed on the shore in the two grades were equal there might have been a decrease in the higher jobs or an increase of the lower jobs leading to a change in the initial ratio. There is no sufficient material on the record to enable me to raise the percentage of first class lascars employed in the shore establishment under the Deputy Conservator.

Issue (iv)—Should free uniforms be supplied to the crews of the Chief Engineer's flotilla consisting of dredgers, launches, barges and salvage section boats?

41. The Union has been agitating for free supply of uniforms to the flotilla crews under the Chief Engineer at least since 1946 and appears to have been persistently repeated the demand from time to time. In 1954, as I have already stated, the Union served on the Bombay Port Trust a charter of demands which included among others the demand for free supply of uniforms to the flotilla crews under the Chief Engineer, with a threat of strike if the demands were not conceded. Prior to 1954, the demand of the Union for free supply of uniforms to the Chief Engineer's flotilla crews was all along turned down by the Bombay Port Trust on the ground that such staff as came in contact with the public were ordinarily entitled to free supply of uniforms. However, in 1954 there was a settlement in respect of the demand in conciliation proceedings, pursuant to the terms of which this item of the dispute along with several others was referred to Shri N. S. Lokur, ex-Judge of the Bombay High Court, for arbitration. Shri Lokur gave and published his award on 29-12-1954 rejecting the demand of the Union. It was specifically stipulated in the settlement that the parties would abide by the award of the arbitrator in full and final settlement of the demand and that the award would be binding on both the parties for a period of one year from the date of the award. The preliminary objection raised by Shri Nariman on behalf of the Bombay Port Trust so far as this item of the dispute is concerned is two-fold: one relates to the validity of the present reference and the other to the jurisdiction of this Tribunal having regard to the principle analogous to *res judicata*. The first objection has been over ruled. I shall now discuss the second objection.

42. Section 11 of the Code of Civil Procedure which lays down the principle of *res judicata* is not in terms applicable in the field of industrial disputes. But the tribunals including the Labour Appellate Tribunal could not ignore the soundness of the principle and the prudence underlying it and actually made use of the principle in suitable cases. They indicated from time to time some exceptions, although they were not unanimous about those exceptions, i.e. how far and under what circumstances, the principle was inapplicable in the field of industrial disputes, till the law on this point was settled by their Lordships of the Hon'ble Supreme Court in the case of Messrs. Burn & Co., Howrah (1956

L.A.C. p. 799). Prior to the decision of the Hon'ble Supreme Court all the Benches of the Labour Appellate Tribunal were unanimous that notwithstanding inapplicability of the rules of *res judicata* in terms to adjudications under the Industrial Disputes Act, 1947 an industrial dispute involving a long term scheme such as a wage structure settled by an award should not on principle be altered except on justifiable grounds, but were not in agreement as to what these justifiable grounds were which could warrant alteration of the previous award. The different Benches of the Labour Appellate Tribunal held different views and I do not propose to discuss those views here inasmuch as the question has been set at rest by the decision of the Hon'ble Supreme Court in the case of Messrs. Burn & Co., Howrah, according to which, alteration or modification of the previous award is permissible only on the proof of a change in the basic circumstances. According to their Lordships of the Hon'ble Supreme Court any other view would be contrary to the well recognised principle that a decision once rendered by a competent authority on a matter in issue between the parties after a full enquiry should not be permitted to be re-agitated. Their Lordships further observed:

"It is on this principle that the rule of *res judicata* enacted in section 11 C.P.C. is based. That section is, no doubt, in terms inapplicable to the present matter, but the principle underlying it, expressed in the maxim" *inter est rei publicae ut sit finis litium*, is founded on sound public policy and is of universal application. (Vide Broome's Legal Maxima, Tenth Edition, page 218).

"The rule of *res judicata* is dictated" observed Sir Lawrence Jenkins C. J. in Sheoparson Singh V. Ramnadan Singh (1915-16) 43 I.A. 91; I.L.R. 43, Cal: 694; "by a wisdom which is for all time". And there are good reasons why this principle should be applicable to decisions of Industrial Tribunals also. Legislation regulating the relation between Capital and Labour has two objects in view. It seeks to ensure to the workmen who have not the capacity to treat with capital on equal terms, fair returns for their labour. It also seeks to prevent disputes between employer and employees so that production might not be adversely affected and the larger interests of the society might not suffer. Now if we are to hold that an adjudication loses its force when it is repudiated under section 19(6) and that the whole controversy is at large, then the result would be that far from reconciling themselves to the award and settling down to work it, either party will treat it as a mere stage in the prosecution of a prolonged struggle and far from bringing industrial peace, the awards would turn out to be but truces giving the parties breathing time before resuming hostile action with renewed vigour. On the other hand, if we are to regard them as intended to have long term operation and at the same time hold that they are liable to be modified by change in the circumstances on which they were based, both the purpose of the legislature would be served. That is the view taken by the Tribunals themselves in The Army & Navy Stores Ltd., Bombay V Their workmen 1951(2) L.L.J. 31 and we are of opinion that they lay down the correct principle and that there were no grounds for the Appellate Tribunal for not following them."

43. The demand which was the subject matter of Shri Lokur's arbitration was in the following terms:

"Supply of free uniforms to the crews of the Chief Engineer's flotilla consisting of dredgers, launches, barges and Salvage Section boats."

By a short award Shri Lokur negated the claim of the Union. Shri Lokur observed:

"The principle laid down in this connection by the Trustees that only such members of the staff as come into contact with the public should be entitled to the supply of uniforms is quite sound and reasonable. Otherwise every member of the staff may put in a claim to the supply of uniforms and departure from the principle is likely to create an unwholesome precedent.

"The Calcutta Port Commissioners have now adopted the same principle, but they have made an exception in the case of their dredging staff and as a class such employees have all along been in receipt of free

uniforms. That is an exception made on account of the older members of the dredging staff being supplied uniforms and need not be followed in Bombay where no member of the dredging staff was given any uniform. At the request of the parties, I paid a visit to a grab dredger and one of the suction dredgers and was shown how the men working there came into contact with silt, oil, etc. whereby their person and clothing got soiled. That may be a plausible reason for asking for washing charges, but not for a supply of uniforms."

44. The principle of *res judicata* fixes the rights and liabilities of the parties to a civil action to the decision of a court of competent jurisdiction for all times to come and does not permit any alteration on any ground. It is clear from the observation of their Lordships of the Hon'ble Supreme Court that in the field of industrial adjudications, deviation from the principle is permissible when there is a change in the circumstances which were the basis of the previous adjudication. The gradual advance or improvement in the service conditions of industrial workers within certain limits is the objective of all industrial tribunals and so far no authority has either disputed or ignored this basic principle. The fact that the principle of *res judicata* does not apply in the field of industrial adjudications with that rigour and rigidity with which it is applied in civil actions, gives support to the theory of gradual advance in the service conditions of the industrial workers. The doors for revision of an award fixing the rights and liabilities of the industrial workers have not been completely sealed, the award may be reopened and the dispute may be adjudicated afresh provided there is a change in the circumstances on which the previous award was passed. While on the one hand constant agitations of a long term scheme are calculated to disturb the peace in the industry and to hamper production, on the other hand stagnation of the workers is likely to affect their efficiency to the detriment of the industry itself. Shri Lokur rejected the demand for free uniforms on the ground that the principles for supplying uniforms to the employees adopted by the Bombay Port Trust was that only those who came in contact with the public were entitled to free uniform. The Union has dilated in its written statement upon the basic considerations for supply of free uniforms to industrial workers and has referred to some specific instances about the prevalent practice to supply free uniforms to Marine Workers. The Union has also pointed out that the principle which the Bombay Port Trust claims to have adopted it not rigidly adhered to. I do not propose to enter into a detailed discussion on these points. I shall only refer to some of the points which have not been traversed by the Bombay Port Trust.

45. The unrefuted statement of the Union is that the Marine Workers in almost all parts of the world are supplied free uniforms and that this practice obtains in the Training Ships of India—the Dufferin, the Mekhola and the Bhadra and in barges, launches, dredgers, oil tankers under the Ministry of Defence, although the workmen employed there do not all come in contact with the public. In the Calcutta Port although the Commissioners professed to proceed on identical principle did actually extend benefit to their employees on other considerations as well. I have been referred to the copy of a letter of the Secretary of the Calcutta Port Commissioners to the Special Officer, Secretary's Department, Bombay Port Trust, dated 28th July 1948, where the Secretary observed:

"In earlier days uniforms were issued to the staff on other considerations and staff who were supplied with uniforms then are continuing to receive them."

It is not the case of the Secretary of the Calcutta Port Commissioners that the free supply of uniforms to the staff of the Port Commissioners in the past was arbitrary or unscientific. Free supply of uniforms in the past must have had some considerations at the back. At an earlier, stage, the industrial tribunals proceeded very cautiously in the matter of granting uniforms. Uniforms were allowed only to such workmen as were required, in course of their duty, to come in contact with the public and such grant of uniforms was prompted on a consideration that uniforms to such workmen, such as peons, durwans, motor car drivers would not only enhance the prestige of the employers but would also assist publicity of the industry, although free supply of uniforms in the past was not always so very limited. Gradually the tribunals became more liberal in their views and have extended uniforms to other categories of workmen. The accepted principles, as they stand to-day, on which uniforms are granted to workmen are:

- (1) Those who come in touch with the public in course of their duties:
  - (a) those who from the employers point of view should present a smart appearance and thereby maintain the prestige of the employers;
  - (b) those who require some identification for easy access to the place of their work and peaceful execution of their work.

- (2) Those whose work require a particular type of dress for their safety against any risk involved in such works.
- (3) Those whose nature of work soil their clothes and reduced their life.

46. It is true that a healthy wage structure contains the element of clothing of a worker with the standard family of three consumption units including the worker himself and dearness allowance purports to compensate the rise in the price. Free supply of uniforms is not intended as a financial assistance to a worker where there is no abnormal wear and tear of their clothes, but if the nature of work of a worker is such as soils his clothes and reduces the normal life, it is just fair that the employers should compensate the workers so that the workers are not driven to extra expenditure for their clothing and the real value of their wages are not thereby reduced.

47. Change of circumstances has not been defined anywhere either in the statutes or in authoritative decisions. Liberalisation of the principle of free supply of uniform is, in my opinion, a change in the basic circumstances on which Shri Lokur's decision was based and is a justifiable ground for alteration of the decision. To hold otherwise will seal any improvement in the service conditions of the flotilla crews so far as the benefit of free supply of uniforms is concerned, with the result that they will stagnate where they are, while their brothers in other industries will get uniforms on a liberalised principle. I am accordingly of the opinion that it is high time for the Bombay Port Trust to revise their principles of free supply of uniforms in respect of the flotilla crews under the Chief Engineer in the light of the principles I have enunciated above. The categories of workmen employed in the flotillas under the Chief Engineer and their duties have not been placed before me and I am not in a position to give a definite award with reference to individual categories of workmen. Such uniforms shall be supplied to the members of the crews who are entitled to free supply of uniforms on the principles laid down by me on the scale on which comparable categories of workmen in the flotillas under the Deputy Conservator are supplied uniforms.

Issue (v)—Should transport facilities to and from Pir Pau be provided for the staff working there?

48. The staffs of the pipe line and steam boosting station under the Chief Engineer and the fire fighting staff and Butcher Island shore crews under the Deputy Conservator are involved in the present dispute. As indicated in the Annexure 5(A) to the Union's written statement, the working hours of the staffs are as follows:—

(1) Pipe line staff	(a)	8	to	7-30 hrs.
	(b)	16	to	24-00 hrs.
	(c)	0	to	8-00 hrs.
(2) Steam Boosting staff	(a)	9	to	17-00 hrs.
	(b)	17	to	1-00 hrs.
	(c)	1	to	9-00 hrs.
(3) Fire fighting staff	(a)	7	to	19-00 hrs.
	(b)	19	to	7-00 hrs.

paucity, irregularities and inconvenient timings of trains, bad roads and insufficient paucity, irregularities and inconvenient timings of trains, bad roads and insufficient transport facilities from the nearest railway station to the place of work of the workmen at Pir Pau and has claimed that either adequate free transport should be provided to the workmen or the workmen should be paid travelling allowance equivalent to the amount required to be spent by the workers and for overtime for such workers as are delayed on their work for late arrivals of their relievers. So far back as in 1951 the Union started agitation in this direction as is evidenced by a letter addressed to the Deputy Conservator dated 25th July, 1951 (Exhibit W/6, page 5). In reply the Deputy Conservator stated that the staff could use the B. P.T. railway trains starting from Pir Pau Anik junction at 5-10 P.M. to Wadala Crushers and at 8 A.M. from Wadala Crushers to the Pir Pau Anik junction. There is already a Ballast Train from Sewri to No. 4 Telephone Chowki at 8-00 A.M. and another Ballast Train at 11-30 from No. 4 Telephone Chowki to Sewri. This is admitted in the letter of the Union, dated 25th July 1951. According to the Deputy Conservator the distance from Sewri to No. 4 Telephone Chowki is approximately 5 miles and from Telephone Chowki to the Pierhead is at best two miles although the Union's estimate in the Union's letter of the 25th July 1951 is much more. The Deputy Conservator further pointed out that the quarters were provided for the men to live at Pir Pau and about the fire brigade staff the Deputy Conservator stated that the full complement of 16 men were only required at Pir Pau whilst a tanker was alongside the fire and when this fire was vacant 8 men were withdrawn at the fire fighting station. These men might go to Pir Pau and return by the launch which was sent to moor and unmoor the tanker at the fire.

After the reply of the Deputy Conservator, dated 5th September 1951, there does not appear to have been any further agitation on this point till in 1954, as I have already mentioned, when the Union served on the Bombay Port Trust a charter of demands with a threat of strike in the event the demands were not conceded. The present demand is covered by demand (xv) of the charter of demands of 1954. In course of the conciliation proceedings the Union abandoned this demand on the distinct understanding that the Chief Engineer would look into the matter and in fact the Chief Engineer did consider this demand as is evidenced by Annexure Exhibit O to the B.P.T.'s written statement. Prior to 1954 there was one lorry which was worked in three shifts between the Pir Pau and the Oil Chowki Wadala which is connected with the Bombay city as also with the Greater Bombay with trains. Considerable improvements were made after 1954 and the number of lorries was increased and I was told that when the parties filed under written statements, there were three lorries for the staff working at Pir Pau. Recently one of these lorries has been taken away for general purposes and I could understand at the hearing that a new lorry is going to be purchased to make up the deficiency. Besides there is a regular bus service right up to the steam boosting station at Pir Pau (Ext. W/1).

50. In 1954 the Union's demand was for transport facilities for the staff of the Steam Boosting Station at Pir Pau staying at Bombay for attending to their duties, as also for the workers staying at Pir Pau for the purpose of shopping. Although transport facilities for shopping purposes are not excluded from the issue under the present Reference, the Union appears to have abandoned the demand in its pleadings. The Union's case is that the transport arrangement made by the Bombay Port Trust is inadequate and unsatisfactory and Shri Moitra on behalf of the Union has placed before me some specific instances of the difficulties and inconvenience to which the workers are put on account of inadequate and unsatisfactory transport arrangement. These are:

- (1) The workers are very often delayed to attend their duties with the result that the workers of the previous shift are detained much longer for want of relievers.
- (2) The timings of the buses do not correspond to the closing hours of each and every shift and the result is that the workers are compelled to stay for considerable time at the place of their work even after the close of their shifts to avail themselves of the next available lorry.
- (3) The workers have sometimes to walk either the entire distance or a good portion thereof on account break-downs of the lorries.
- (4) The public transport is expensive and costs a worker As. -/6/- per trip.

51. Shri Nariman could not altogether deny the inconvenience of the workers posted at Pir Pau and pleads that in consideration of the inconveniences, additional facilities have been made available to the workers at Pir Pau:

- (1) The entire fire brigade staff stationed at Pir Pau has been provided with free dormitory type of accommodation and are in receipt of full house rent allowance.
- (2) Most of the staff employed at the steam boosting station have been provided with residential quarter and those who have not been so provided, although they are eligible for free quarters, are entitled to draw house rent allowance at a higher rate than the other staff who are not provided with free quarters.

Shri Nariman also contends that now that a regular bus service is available to the workers they are not entitled to transport facilities any more than any of the other employees of the Trustees working at various different places in Bombay.

52. The employers are undoubtedly under an obligation to arrange transport for their workers to the place of their work and back, only where the workmen, by reason of the peculiar circumstances of the place of work, have no facility to attend their duties or where the workmen are required to attend their duties at an unusual hour when they cannot avail of the transport facilities which exist for the public. Now that there has been a regular bus service, the Bombay Port Trust is under no obligation to arrange for any additional transport facilities. The bus fare for each trip is As. -/6/-. But, there are workmen under the Port Trust who live far off from their place of their work and have to spend either an equal amount or even a higher amount for their transport to the place of their work and back. In the circumstances of the case, I cannot compel the Bombay Port Trust to make any further arrangement for transport of their workers working at Pir Pau. However, I direct the Bombay Port Trust not to withdraw the transport arrangement which it has already made and the additional arrangement which it contemplates to introduce very soon but to continue them for the workers working

at Pir Pau till there is substantial improvement in the public transport. The three lorries are expected to give considerable relief to the workers and the chance for a complete break down of the arrangement will be much reduced. With a view to make these existing arrangements more useful to the workers, I suggest that the Bombay Port Trust may revise the timings of the lorries so as to conform as far as possible to the commencement and closing of the different shifts. For the transport of the workmen employed at Pir Pau, I cannot enlarge the arrangements of the Bombay Port Trust, inclusive of what exists and what is under its contemplation as indicated above, beyond suggesting some alteration about the timings.

Issue (vi)—Should the service conditions of the staff working at the Butcher Island be the same as those for the staff at the Kenery Island?

And

Issue (vii)—Should special compensatory allowance be granted to the staff employed at the light houses for their work on holidays?

53. The demand which is the subject matter of issue (vi) relates to 79 members of the Shore Establishment, about 41 of the Fire Service under the Deputy Conservator, about 60 attached to the Oil Pipe Line and about 20 of the Power House under the Chief Engineer. Members of the Shore Establishment and the Fire Service under the Deputy Conservator's Department are provided with dormitories on the Butcher Island and are required to stay there. The Oil Pipe Line staff and the Power House Staff who are under the Chief Engineer are not at present required to stay in the island. 23 employees of the Kennery and Prongs Light Houses are involved in issue (vii). Issue (vii) relates to some additional benefit which has been denied to the staff of the Kennery and Prongs Light Houses. Issue (vi) is about the extension, to the employees working in the Butcher Island, of all the facilities available to the Kennery Light House. The two issues are accordingly taken up together for convenience.

54. The Kennery Island is cut off from the main land and is at a distance of  $13\frac{1}{2}$  miles from Bombay. The employees in the Kennery Island are to live in the Island in complete isolation from social contacts and in deprivation of the facilities of society and of city life. In consideration of all these disadvantages they are entitled to some special benefits. These are:

- (1) The staff is granted free ration plus a cash allowance for mutton, onions, potatoes and biscuits which in the case of the light house keeper is Rs. 18/- per mensem and in the case of others Rs. 12/- per mensem.
- (2) The staff with the exception of a Lighthouse Keeper works in 12 hours shifts and receives fixed overtime for four hours a day on week-days and 12 hours on Sundays at double their normal rates of wages under the Minimum Wages Act, inclusive of all allowances, value of free ration and the additional cash allowance.
- (3) The Lighthouse Keeper gets fixed overtime for four hours for all the days including Sundays at  $1\frac{1}{2}$  times his basic wages under the Bombay Port Trust Rules.
- (4) In addition to casual and other leaves which the lighthouse staff enjoy in common with others, the staff is liberally granted shore leave which works out an average to 3 or 4 days in a month. During this shore leave the staff continues to get the fixed four hours' overtime.

55. The employees of the Deputy Conservator's Department with the exception of the lighthouse staff were in receipt of 20% fixed compensatory allowance for work on Sundays and Port Trust holidays, which was subsequently reduced to 5%. This compensatory allowance was not made available to the light house staff and the demand which is the subject matter of issue (vi) is in respect of this compensatory allowance. The Port Trust holidays are on an average 12 in number. The lighthouse staff is required to work on these holidays get for each day worked the normal wages for the day inclusive of all allowance plus four hours' overtime at double the normal rates of wages under the Minimum Wages Act. Thus the total emoluments for each day's work work-out to two days' normal wages i.e. for 12 Port Trust holidays, the lighthouse staff gets 24 days' normal wages and for the 52 Sundays they get 156 days ( $52 \times 3$ ) normal wages. Thus, by working on 52 Sundays and 12 Port Trust holidays, the lighthouse staff gets 180 days' normal wages which no other worker of the Deputy Conservator is able to earn. In any case, no other case has been placed before me by the Union which may compare with this huge overtime earnings of the lighthouse staff at the Kennery island. Besides, the members of the lighthouse staff enjoy on an average 3 to 4 days' shore leave per month for which the members are paid the normal wages plus four

hours' overtime at double the normal rates of wages for each day which work out to two days' wages at normal rates for each day of the shore leave i.e. on an average a member of the lighthouse staff enjoy 36 days' shore leave in a year and are paid 72 days wages at the normal rates for 36 days of shore leave. These workers are therefore amply compensated for the loss of the Port Trust holidays as also for the loss of the 5% compensatory allowance which is available to the employees in other sections under the Deputy Conservator. The compensation which the lighthouse staff gets is several times of the compensatory allowance which is available to the workmen in other sections under the Deputy Conservator. I am not accordingly inclined to extend the compensatory allowance of 5% to the members of the Kennery and Prongs lighthouses staff.

56. Now I take up issue (vi). I have already mentioned that the employees of the Shore Establishment of the Fire Service under the Deputy Conservator are provided with dormitories in the Butcher Island and are required to stay there. The workmen of the Oil Pipe Line and the Power House under the Chief Engineer are not required at the present moment to stay in the Butcher Island but the Union States that there is a proposal pending before the authorities, which if adopted will compel the staff to stay in the Island. This has not been refuted by the Bombay Port Trust. It has been further alleged in the written statement of the Union that the shore crews at the Butcher Island have been informed that they will have to stay in the Island permanently with their families, and the Union has protested against this. The Union demands that the benefits which are available to the Kennery and Prongs Lighthouses staff be extended to the employees working in the Butcher Island inasmuch as the living conditions in the Butcher Island are in no way better than those in the Kennery Island. Conditions of living in the Butcher Island, although similar in some respects to those in the Kennery Island, are according to the Union, on a rough estimate, much worse than the living conditions in the Kennery Island. The only similarity is, as Shri Moitra urges, that both are away from the city, cut off from social contacts, and suffer from lack of educational facilities for the children. The total effect of these disadvantages is that the workers of both the Islands are compelled to maintain double establishments at extra cost, face equal difficulties for education of their children and are equally put to worries and inconveniences on account of their inability to look after their families. To add to all these difficulties and inconveniences which are common to both the Islands the Butcher Island workers are exposed to the risk of explosion and enemy attacks in times of war. At the hearing, a witness was examined who introduced for the first time two other risks which were not pleaded in the written statement. These are, that the island is infested with poisonous snakes and ferocious dogs and that there is a risk of inhalation of poisonous gas from petrol, white oil, etc. from the tankers which may lead the workers to be victims to various fatal diseases e.g. Tuberculosis.

57. The special facilities which are available to the Kennery and Prongs lighthouses staff already referred to are: free ration and a cash allowance, overtime payment and liberal shore leave.

58. The demand is opposed by Shri Nariman on behalf of the Bombay Port Trust. His contention is that the hardships of living in the Kennery Island which were the basic considerations for granting special facilities for the workmen living there are not to be found in the Butcher Island. Kennery Island is about 13½ miles from the main land where the Port Trust launches visit once in a week and sometimes once in a fortnight while the Butcher Island is at a distance of only 35 to 40 minutes' journey by launch and a number of launches maintain regular frequent transport from the Butcher Island to the main land for such of the staff as reside in Butcher Island. Unlike the staff of the Kennery and Prongs lighthouses, employees posted at the Butcher Island enjoy weekly rest days and Port Trust holidays and are free to come to the main land if they so desire.

59. At the hearing an attempt was made by the Union that the workers posted at the Butcher Island have to depend upon the mercy of the staff of the launches and tugs to come to Bombay and to return to the Island. The employee Shri V. P. Raje, who was examined at the hearing as a witness, pleaded such difficulties but it is clear from his evidence that he could frequently come to Bombay and go back which could hardly be possible if he had to depend upon the mercy of the staff of the launches and tugs. The difficulty which this witness pleaded at the hearing was not suggested even in the written statement of the Union. To meet the statement of the witness, the Bombay Port Trust filed a statement signed by the Acting Deputy Conservator indicating therein the liberal transport facilities that are available to the employees working in the Butcher Island (Ext. E/4).

60. The employees of the Kennery and Prongs lighthouses cannot normally enjoy weekly rest days and Port Trust holidays which are available to the employees

posted at the Butcher Island. The main consideration underlying the shore leave is the loss of weekly rest days and Port Trust holidays. Hence the employees posted at the Butcher Island have no case for the benefit of shore leave.

61. The Butcher Island employees work in 12 hours shift, but these 12 hours include two hours' recess. The witness Shri Raje says that the workers do not actually get this recess. This was not actually pleaded in the written statement. The wage structure of the employees at the Butcher Island is that they will get normal wages for eight hours and overtime wages for two hours and get two hours' recess. If in any particular case the worker is deprived of the recess he may claim overtime for loss of the recess hours. From the evidence of the witness it is clear that the work at the Butcher Island is not so very intensive as is likely to deprive them of the recess period. The witness Shri Raje said that even on days on which the workers have no work they get two hours' overtime.

62. The employees in the Butcher Island have been provided with Bhandaries and transport facilities for bringing Bazar from the city. These transport facilities are provided on every alternate day as the witness says. Besides the Bombay Port Trust has a liberal arrangement to carry those persons who want to come down to the main land from the Butcher Island and to return from the main land to the Island (Exhibit E/4). I hope these facilities will continue and the workmen would be given permission to leave the Island liberally when they are off provided exigencies of service permit. These facilities are not available to the staff of the Kennery and Prongs lighthouses. They have no marketing facilities. Besides free ration has come to stay as a condition of service of the lighthouse staff almost throughout India. This may be in consideration of the hard life the employees are compelled to live. Whatever might that be, a particular facility which is as it were a condition of service to a particular category of workmen cannot be extended to any other category unless and until it is established that the conditions of life and work of the latter category are identical in all their details with those of the former category. The free ration and cash allowance has come to stay as part of the wages of the lighthouse staff. On the evidence placed before me I cannot hold that the conditions of life and work of the employees in the Butcher Island and the Kennery Island are identical in all their details. The employees of the Butcher Island enjoy weekly rest days and the Port Trust holidays which the employees of the Kennery Island cannot and the employees of the Butcher Island have considerable facilities for marketing and visiting the main land which are not available to the employees in the Kennery Island.

63. The employees of the Butcher Island may be exposed to some risk, namely, risk of explosion and of enemy attacks in times of war. We are not aware if the employees of the Kennery Island are exposed to similar risks. I am not here called upon to award any risk allowance to the employees of the Butcher Island. However, if really they are exposed to any such risk, I would suggest that they may appeal to the Bombay Port Trust for consideration. This is my award.

In conclusion I must thank the representatives of the parties for the assistance they gave me for adjudicating upon the the present dispute.

CALCUTTA:

The 23rd May, 1958

A. DAS GUPTA, Presiding Officer,  
Central Govt. Industrial Tribunal, Calcutta.

[No. IR-II/3/6/57-Pt.]

#### ORDERS

New Delhi, the 9th June 1958

S.O. 1116.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Digwadih Colliery of Messrs. Tata Iron and Steel Co. Ltd. and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (41 of 1947), the-

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad constituted under section 7A of the said Act.

THE SCHEDULE

Is the dismissal of Shri Janardhan Dubey, Trammer of 10 Pit Top of the Digwadih Colliery justified? If not, what relief is he entitled to?

[No. LR11/2(60)/58]

S.O. 1117.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the East Basseriya Colliery of Messrs. East Basseriya Colliery Co. Private Ltd. and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad constituted under section 7A of the said Act.

THE SCHEDULE

- (1) Whether the dismissal of Shrimati Bhikhani Kamin, Parking Mazdoor of East Basseriya Colliery, P. O. Kusunda, was justified?
- (2) If not, what relief is she entitled to?

[No. LR11/2(61)/58]

A. L. HANDA, Under Secy.

*New Delhi, the 10th June 1958*

S.O. 1118.—The Government of the State of Mysore having nominated, in exercise of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), Shri M. S. Meccai, B.A., Commissioner of Labour in Mysore, Bangalore, as a member representing the said State on the Employees' State Insurance Corporation, in place of Shri B. M. Abu Baker, the Central Government, in pursuance of the said section 4, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1 (196)/57 dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '(Nominated by the State Governments under clause (d) of section 4)', for item 16, the following item shall be substituted, namely:—

"16. Shri M. S. Meccai, B.A., Commissioner of Labour in Mysore, Bangalore."

[No. HI-1 (196)/57.]

P. R. NAYAR, Under Secy.

ERRATA

In the Gazette of India, Part II—Section 3(ii), dated 31st May, 1958 (Issue No. 16) Page 851, for "S.O. 1110" read "S.O. 1010".

The S.O. No. of the notification No. MDC/11(10), dated the 2nd June 1958 of the Indian Standards Institution, published at page 871 of the Gazette of India, Part II—Sec. 3 (ii), dated the 7th June 1958, should be "1042".

